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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50228-2023 (O&M)
Date of Decision: 30.01.2024

RISHAB VERMA

.. Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Inderpreet Singh Kooner, Advocate for the petitioner.
Mr. Hemant Aggarwal, AAG, Punjab.
Ms. Shruti Sharma, Advocate for respondents No.2 and 3.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.41 dated 16.03.2020 under Sections 363 and 366 of the Indian Penal Code, 1860 registered at Police Station Urban Estate, District Patiala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 25.09.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 06.10.2023, the following order was passed:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.41 dated 16.03.2020 under Sections 363, 366 of the Indian Penal Code, 1860 registered at Police Station Urban Estate, District Patiala, along with all the subsequent proceedings arising therefrom, on the basis of a compromise dated 25.09.2023 (Annexure P-2) arrived at between the parties.
Learned counsel for the petitioner would contend that the parties have since settled all their disputes and have entered into a compromise dated 25.09.2023 (Annexure P-2). Learned counsel for the petitioner has relied upon the judgment by the Hon’ble Supreme Court rendered in “Gian Singh V/s State of Punjab & Anr.” [2012 (10) SCC 303] and

the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Ms. Shruti Sharma, Advocate accepts notice for respondents No.2 and 3. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondents No.2 and 3 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. She further submits that the said compromise has been duly signed by the complainant/respondent No.2 as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 12.01.2024.

Meanwhile, the parties are directed to appear before the concerned Chief Judicial Magistrate/Illaq Magistrate/trial Court on 23.11.2023, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

1) Whether the settlement/compromise dated 25.09.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.

2) Whether any other criminal cases are pending against the parties.

3) Whether any proclamation proceedings are pending against either of the parties."

3. Pursuant to the aforesaid order, report dated 28.11.2023 from

Id. Principal Magistrate, Juvenile Justice Board, Patiala has been received,

which is taken on record. As per the report, the Trial Court has recorded as

follows:-

"From the statements of the parties, it appears to the Board that the complainant Jaspal Singh and Anugeet Kaur @ Anureet Kaur and Child in conflict with law namely Rishab Verma, effected compromise without any pressure, coercion and same has been done with the free consent of the parties and compromise is genuine, voluntary and without any coercion or undue influence. As per the statement of Child in conflict with law Rishab Verma no other case is pending against him. The inquiry has been presented before this Board

only against Child in conflict with law Rishab Verma. As such, no person has been declared proclaimed offender in this case.”

4. Learned counsel for respondents No.2 and 3 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6 I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***. The proposition of law that emerges from the aforesaid decisions rendered by Apex Court and this Court is :

(a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*

(b) *However, wider the power greater the caution.*

(c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like*

commercial transactions or arising out of matrimonial relationship or family disputes.

(d) The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.

(e) Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.

(f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.

(g) While quashing FIR in non-compoundable offences even which are private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.

8 Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 482 Cr.P.C. to quash the FIR as :-

- (i) *The present matter does not fall within the exceptions as carved out in Laxmi Narayan's case (supra) i.e. heinous offence.*
- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition*

9 Consequently, the petition is allowed. FIR No.41 dated 16.03.2020 under Sections 363, 366 of the Indian Penal Code, 1860 registered at Police Station Urban Estate, District Patiala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 25.09.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

30.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No