

2024:PHHC:009721

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

145

CRM-M-52182-2023
Date of Decision: 24.01.2024

Babarpal Singh Viridi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON’BLE MR.JUSTICE SUMEET GOEL

Present:- Mr. Rahi Mehra, Advocate for
 Mr. Vishva Bahl, Advocate,
 for the petitioner.

 Mr. Adhiraj Singh Thind, AAG, Punjab,
 for respondent No.1.

 Mr. Anil Chaudhary, 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.0041 dated 16.02.2022 under Sections 406 & 498-A of IPC, registered at Police Station, Women Ludhiana, District Ludhiana and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 26.09.2023 (Annexure P-2) which is stated to have been effected between the parties.

2 On 13.10.2023, the following order was passed:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0041 dated 16.02.2022 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women, Ludhiana, and all other

consequential proceedings arising there-from, on the basis of a compromise dated 26.09.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the matter has now amicably been settled between the parties and the same has been reduced into writing vide compromise deed dated 26.09.2023 (Annexure P-2). Learned counsel would further contend that a petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed in which statements of first motion stand recorded. Learned counsel for the petitioner has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh V/s State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement 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. Mohinder Singh Joshi, Addl. AG Punjab accepts notice on behalf of respondent No.1-State. Mr. Anil Chaudhary, Advocate accepts notice for respondent Nos.2 and 3. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent Nos.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. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent Nos.2 and 3 have no objection if the aforesaid FIR is quashed.

List on 23.01.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 30.11.2023, 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 compromise dated 26.09.2023 (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 Judicial Magistrate, Ist Class, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I have the honour to submit that in the above mentioned case, direction was given by the Hon'ble Punjab & Haryana High Court, Chandigarh received vide copy of the order dated 13.10.2023 passed in CRM-M-52182-2023 titled as "Babarapal Singh Viridi Vs State of Punjab and Others" whereby, parties were directed to appear before the Illaqa Magistrate/trial Court on 30.11.2023 for getting their statements recorded with regard to compromise, who shall submit the report on or before next date of hearing.

2. On 18.11.2023, complainant Hardev Singh appeared before the Court and suffered state that above noted case was registered on his statement being father of Taranjot Kaur against accused Babarpal Singh. With the intervention of the respectable, they have arrived at compromised and the same has been effected between him, his daughter and accused. They have settled all their disputes as per the compromise dated 26.09.2023 and undertakes to abide by terms and conditions of the compromise. In compliance of order in CRM-M-52182 of 2023 dated 13.10.2023 passed by Hon'ble Punjab and Haryana High Court. He has suffering his statement without any fear or pressure or coercion and with his free consent and compromise has been effected voluntarily. He has no objection if the present FIR may kindly be quashed against the accused. Copy of his Aadhar Card is Ex. PX.

3. On 18.11.2023 accused Babarpal Singh Viridi appeared and suffered statement that the above noted case was registered against him on the statement of Hardev Singh father of Taranjot Kaur. With the intervention of the respectable they have arrived at compromised and the same has been effected between him, Taranjot Kaur and Hardev Singh. They have settled all their disputes as per the compromise dated 26.09.2023 and undertakes to abide by terms and conditions of the compromise. In compliance of order in CRM-M-52182 of 2023 dated 13.10.2023 passed by Hon'ble Punjab and Haryana High Court. He has suffering his statement without any fear or pressure or coercion and with his free consent and compromise has been effected voluntarily. Copy of his Aadhar Card is Ex. PY.

4. On 24.11.2023, Taranjot Kaur age 34 D/o Hardev Singh (complainant) appeared and suffered statement that above noted case was registered against Babarpal Singh on the statement of her father Hardev Singh. With the intervention of the respectable they have arrived at compromised and the same has been effected between her, accused and Hardev Singh. They have settled all their disputes as per the compromise dated 26.09.2023 and undertakes to abide by terms and conditions of the compromise. In compliance of order in CRM-M-52182 of 2023 dated 13.10.2023 passed by Hon'ble Punjab and Haryana High Court. She suffered her statement without any fear or pressure or coercion and with her free consent and compromise has been effected voluntarily. She has no objection, if the present FIR is quashed against the accused. Copy of her Aadhar Card is Ex. PZ.

5. On 18.11.2023 Investigating Officer ASI Satnam Singh No.2150/Ld also appeared and suffered statement that he is Investigating officer of this case. There is only one accused namely Babarpal Singh in this case and he is not convicted and no appeal is pending in any Appellate Court, no proceeding is pending against the accused/petitioner. No accused is absconding or proclaimed offender in this case.

6. The para-wise report is as under:-

1. In view of the statements of the parties and I.O., The compromise seems to be genuine, voluntary and out of free will of the parties;

2. As per statement of Investigating officer, no other case against the parties is pending..

3. As per statement of Investigating officer, no proclamation proceedings are pending against the parties.

In view of the above said facts and circumstances as well as considering the statements made by parties, the compromise between the parties seems to be genuine, voluntary and without any coercion or undue influence. The photocopies of statements of parties so recorded, compromise produced by the parties and photocopies of their Aadhar Cards are also enclosed herewith for Your Honour's kind perusal. As such, the report as desired, is submitted herewith, please."

4. Learned counsel for respondents No.2 & 3 admits the factum of parties having compromised the matter 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 that he has 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, 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 of 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) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (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.0041 dated 16.02.2022 under Sections 406 & 498-A of IPC, registered at Police Station, Women Ludhiana, District Ludhiana, and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 26.09.2023 (Annexure P-2), are hereby quashed qua the petitioner.

(SUMEET GOEL)
JUDGE

January 24, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>