

CRM-M-52206-2023

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

CRM-M-52206-2023

Date of decision : 19.01.2024

**AMRITPAL SINGH@ ASHU**  
V/S

**....PETITIONER****STATE OF PUNJAB AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Akbarjit Singh, Advocate  
for the petitioner.

Mr. Kunal Vinayak, AAG Punjab.

Mr. Amrit Paul Nahar, Advocate  
for respondent No.2.

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**PANKAJ JAIN, J. (ORAL)**

1 By way of present petition, the petitioner is seeking quashing of FIR No.54 dated 08.03.2022, registered under Sections 323/341/427/148/149/34 IPC at Police Station Basti Bawa Khel, Jalandhar, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise.

2 On 20.10.2023, the following order was passed by the Coordinate Bench of this Court:-

“The present petition has been filed for quashing of FIR No.54 dated 08.03.2022, registered at Police Station Basti Bawa Khel, Jalandhar, District Jalandhar, under Sections 323, 341, 427, 148, 149 and 34 IPC and all subsequent proceedings on the basis of compromise.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of the State. Mr. Prabhjot Singh Bedi, Advocate, accepts notice on behalf of the complainant-respondent No.2.

Learned counsel for the petitioner is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaqa Magistrate on 21.11.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.

Adjourned to 19.01.2024.”

3 Pursuant to the aforesaid order, report dated 09.01.2024 from Judicial Magistrate 1<sup>st</sup> Class, Jalandhar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“2. On 09.01.2024, complainant Narinder Singh S/o Surjit Singh R/o Street no. 4, Amar Nagar, Jalandhar appeared before this court and suffered his statement that the matter has been compromised between him and accused person namely Amritpal Singh @ Ashu S/o Narinder Singh with free mutual consent and said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter and he have no grudge or ill will against the accused. He further submitted that there are only 2 accused persons namely Amritpal Singh @ Ashu and Vipin Kumar @ Babu and he has no objection if the present FIR against the accused namely Amrtipal Singh @ Ashu be quashed on the basis of compromise. He also placed on record photocopy of his Aadhar card as Ex. C3.

3. On the same date accused person namely Amritpal Singh @ Ashu appeared before the court and vide his separate statement stated that compromise has been effected with the complainant and the compromise is without any pressure, coercion, undue influence and inducement from any quarter. He also produced on record photocopy of his Aadhar card as Ex. C2.

4. Thereafter, on the same day ASI Manjit Singh, Belt no. 2707, P.S Rama Mandi, Jalandhar, appeared and stated that he is investigating officer in the present case bearing FIR no. 54 dated 08.03.2022 under Section 323, 341, 427, 148, 149 of IPC which was registered on the statement of complainant Narinder Singh S/o Surjit Singh R/o Street no. 4, Amar Nagar, Jalandhar against accused persons namely Amritpal Singh and Vipin Kumar and there are total 2 accused persons in the present case and no accused has been

declared as proclaimed offender in the present case and no other FIR is registered against any of the accused persons. He also placed on record copy of his identity card as Ex. CI.

5. Hence, after going through the statements of complainant and accused person namely Amritpal Singh @Ashu this Court is satisfied that compromise effected between the parties is bona fide, without any pressure or coercion. Further, as per the statement of ASI Maniit Singh, Belt no. 2707, P.S Rama Mandi, Jalandhar, there is no other accused in FIR except Amritpal Singh and Vipin Kumar and no accused has been declared as proclaimed offender. It is pertinent to mention here that complainant has entered into compromise with accused person namely Amritpal Singh @ Ashu only and not with accused person namely Vipin Kumar @ Babu. ”

4 The aforesaid report reveals that there are total two accused persons.

5 Learned counsel for respondent No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against one petitioner is quashed.

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

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

8 This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 Cr.P.C. to quash proceedings recognizing compromise between parties 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 29<sup>th</sup> 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 wide and 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.*

9            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 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.*

10           Since the parties are *ad idem* that the compromise/settlement has to be read strictly *inter se* between the parties to the present petition and the complainant wants to pursue prosecution of rest of accused and it is only accused-petitioner who had approached this Court by way of present petition,

the same is being entertained and allowed *qua* him only.

11           The question raised by State counsel as to whether the FIR can be quashed in part or not already stands answered by Apex Court in '***Lovely Salhotra and another vs. State (NCT of Delhi)***' reported as (2018) 12 SCC 391, wherein it was observed as under:-

“xx   xx   xx

*We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants – herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.”*

12           Consequently, the petition is allowed. FIR No.54 dated 08.03.2022, registered under Sections 323/341/427/148/149/34 IPC at Police Station Basti Bawa Khel, Jalandhar, District Jalandhar and all subsequent proceedings arising therefrom, are, hereby, partially quashed *qua* petitioner.

19.01.2024  
*smriti*

(PANKAJ JAIN)  
JUDGE

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|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |