

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

(283)

**CRM-M-52105 of 2023
Date of Decision: 22.04.2024**

Dalvir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J. S. Santwal, Advocate, for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Mr. Prashant Vashisth, Advocate,
For respondent Nos.3 and 4.

PANKAJ JAIN, J.(ORAL)

1. By way of present petition, the petitioner is seeking quashing of FIR No.183 dated 02.12.2017 registered for the offences punishable under Sections 323, 341, 506, 201 and 294 IPC at Police Station Mattaur, District SAS Nagar and all the consequential proceedings against the petitioner on the basis of compromise dated 29.09.2023 (Annexure P-4).

2. On 01.10.2021 in the earlier petition i.e. CRM-M-41102-2021, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 12.01.2022.

In the meanwhile, parties would appear before the Illaqa Magistrate on 11.10.2021 for recording their statements. The

concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behavior of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

3. Pursuant to the aforesaid order, report dated 31.01.2022 from Judicial Magistrate 1st Class, SAS Nagar, Mohali, has been received in the earlier petition i.e. CRM-M-41102-2021 which was dismissed as withdrawn with liberty to file fresh one on the same cause of action, which has also been taken on record in the present petition. As per the report, the trial Court has recorded as follows:-

“1. In view of the settlement so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily out of their own free will and same is valid and genuine.

2. As per record and statement of the IO, no other criminal case is pending against the accused in PS Mattaur.

3. As per record and statement of the IO, there is only one accused who has not been declared as Proclaimed Offender.”

4. Mr. Prashant Vashisth, Advocate, appears for respondents No.3 & 4 and 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 petitioners are quashed.

5. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 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, *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) and *Mohammad Wajid & anr. Vs. State of U.P. & ors*, 2023 AIR (SC) 3784. 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 wiser 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.

(h) When it comes to quashing of FIR or criminal proceedings, the criminal antecedents of the accused cannot be the sole consideration to decline to quash the criminal proceedings.

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 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.183 dated 02.12.2017 registered under Sections 323, 341, 506, 201 and 294 IPC at Police Station Mattaur, District SAS Nagar and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

22.04.2024
anil

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