

**CRM-M-49420 of 2024 (O&M)** **2**

Section 482 of Cr.P.C. for quashing of FIR. However, keeping in view the entirety of facts and circumstances of the case especially that the present petition pertains to quashing of FIR on basis of compromise, the present petition is directed to be considered as a petition under Section 528 of BNSS, 2023.

1. By way of present petition, the petitioners are seeking quashing of FIR No. 185 dated 24.07.2020 registered at Police Station Civil Lines, Patiala under Sections 342, 323, 506, 498-A IPC, on the basis of compromise deed dated 16.09.2024 (Annexure P-2) and all consequential proceedings arising therefrom on the basis of compromise dated 16.09.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 22.10.2024, the following order was passed:

“The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 185 dated 24.07.2020 registered at Police Station Civil Lines, Patiala under Sections 342, 323, 506, 498-A IPC, on the basis of compromise deed dated 16.09.2024 (Annexure P-2) executed between the parties.

Learned counsel for the petitioners contends that though the marriage between petitioner No.1 and respondent No.2 was solemnized on 28.05.1999, however, with the intervention of the respectables, multiple litigations inter se the parties have been resolved. The details of said litigation is mentioned in the agreement dated 16.09.2024 (Annexure P-2). As per the terms and conditions, both the parties have even filed a petition for annulment of marriage in the Family Court, Patiala.

Notice of motion.

Ms. Himani Arora, A.A.G., Punjab accepts notice on behalf of the State and submits that there are multiple FIRs against the petitioners and seeks accommodation to file short affidavit regarding the other litigations against the petitioners. The State to also file objections, if any; and also to verify as to whether all the



CRM-M-49420 of 2024 (O&M) 3

accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender.

Mr. Puneet Pali, Advocate has filed power of attorney on behalf of respondent No.2, which is taken on record and he confirms about the factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 20.11.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured, if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III. Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV. Whether any accused is a Proclaimed Offender?

V. Whether after the registration of the FIR any offence was added or deleted during investigation?

VI. Whether investigation is pending against any of the accused or any accused has been declared as innocent.

Copy of the petition filed before the Family Court for annulment of marriage be also filed in the meanwhile.

Adjourned to 11.12.2024, for awaiting the report.”

3. Pursuant to the aforesaid order, report dated 27.11.2024 from Judicial Magistrate, Ist Class, Patiala, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“2. In compliance of the above-mentioned order, statement of complainant/respondent No.2 namely Ayisha Khan alias Amanpreet Kaur wife of Musa Khan, D/o Omninder Singh,



CRM-M-49420 of 2024 (O&M) **4**

recorded in the Court. In her statement, it has been stated that the present FIR No. 185 dated 24.07.2020, u/s 342, 323, 506, 498- A of IPC, PS Civil Lines, Patiala has been registered on the basis of her statement. Now matter has been compromised between both the parties with their consent, free will and without any kind of pressure, fear and undue influence and she has no objection if the FIR No. 185 dated 24.07.2020, u/s 342, 323, 506, 498- A of IPC PS Civil Lines, Patiala may be quashed on the basis of compromise dated 16.09.2024 effected between the parties and original is already placed on record before Hon'ble Punjab and Haryana High Court as Annexure P-2 in CRM-M- 49420-2024. The identity of respondent has been verified from her Aadhar Card and she was also identified by their counsel while making statement before the Court.

3. Similarly, joint statement of accused persons/petitioners namely Musa Khan S/o Jang Bahadur and Chand Bibi w/o Rashid Khan dio Jang Bahadur has been recorded in the court. In their statement, it has been stated that the present FIR No. 185 dated 24.07.2020, u/s 342, 323, 506, 498-A of IPC PS Civil Lines, Patiala has been registered on the basis of statement of respondent No. 2 Ayisha Khan alias Amanpreet Kaur wife of Musa Khan, D/o Omninder Singh, Rio house no. 86/3, Khalsa Mohalla, Jan Kalyan Street, Patiala. Now the matter has been compromised between both the parties with their consent, free will and without any kind of pressure, fear or undue influence. They further stated that they have no objection if FIR No. 185 dated 24.07.2020, u/s 342, 323, 506, 498- A of IPC PS Civil Lines, Patiala may be quashed, on the basis of compromise dated 16.09.2024 effected between the parties and original is already placed on record before Hon'ble Punjab and Haryana High Court as Annexure P-2 in CRM-M-49420-2024. The identity of accused/petitioners has been verified from their Aadhar Card and they were also identified by their counsel while making statement before the Court.. Further ASI Kewal Singh No. 2958/Ptl, posted at Door Frame District Courts, Patiala, has suffered a statement to the effect that he is the



CRM-M-49420 of 2024 (O&M) **5**

Investigating Officer in the present case and the present FIR has been registered on the basis of statement of respondent No. 2 Ayisha Khan alias Amanpreet Kaur wife of Musa Khan, D/o Omninder Singh. He further stated that there are only one accused person namely Musa Khan S/o Jang Bahadur and Chand Bibi w/o Rashid Khan d/o Jang Bahadur has been declared innocent during investigation. He further stated that Musa Khan and Chand Bibi appeared appeared before Court for recording their statements. The complainant/injured/victim and all the accused are party to the compromise. He further stated that presently, during investigation no additional accused has been added, no accused is absconding/Proclaimed person in the present case. He further stated that no offence has been added or deleted during investigation after the registration of FIR. He further stated that investigation in the present FIR has been completed and Challan against accused Musa Khan has already been presented and same is pending for trial. He further stated that Chand Bibi w/o Rashid Khan d/o Jang Bahadur has been declared innocent during investigation.5. Further as required by Hon'ble Punjab and Haryana High Court, point wise report is submitted here under-

I. As per statement of parties, compromise is genuine and has been freely entered between the parties without any undue influence, coercion or pressure of any kind as ascertained from them while recording their statements in the Court.

II. As per statement of I.O and as per file, complainant/injured/victim and all the accused are party to the compromise.

III. As per statement of I.O, during investigation no additional accused has been added.

IV. As per statement of I.O, none of the accused has been declared as Proclaimed Offender.

V.As per statement of I.O, after registration of FIR no offence has been added or deleted during the investigation.

IV. As per statement of L.O and as per file, investigation in the present FIR has been completed and Challan against accused



CRM-M-49420 of 2024 (O&M) **6**

Musa Khan has already been presented and same is pending for trial and Chand Bibi w/o Rashid Khan d/o Jang Bahadur has been declared innocent during investigation.

The copies of statements are enclosed herewith for kind perusal of the Hon'ble Punjab & Haryana High Court.

Submitted please."

4. Learned counsel for respondent No. 2 admits the factum 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. Similarly, learned State counsel has stated that he has no objection in case the FIR is quashed based upon the compromise dated 16.09.2024 (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 the Hon'ble 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 the Hon'ble 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*



CRM-M-49420 of 2024 (O&M) 7

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 of 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.*



CRM-M-49420 of 2024 (O&M) 8

- (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. 185 dated 24.07.2020 registered at Police Station Civil Lines, Patiala under Sections 342, 323, 506, 498-A IPC, on the basis of compromise deed dated 16.09.2024 (Annexure P-2) and all consequential proceedings arising therefrom, on the basis of compromise dated 16.09.2024, are, hereby, quashed qua the petitioners.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

16.12.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No