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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52685-2023 (O&M)
Date of Decision: 31.01.2024

MANDEEP SINGH
Vs.
STATE OF PUNJAB AND ANOTHER

.. Petitioner

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aharjot Grewal, Advocate for
Mr. Prateek Sodhi, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG, Punjab.
Mr. Umesh Aggarwal, Advocate for
Mr. Anmol Puri, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.9 dated 11.02.2023 under Section 498-A of IPC, registered at Police Station Women Cell, Police Commissionerate, Amritsar and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 20.09.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 17.10.2023, the following order was passed:

- “Contends, inter alia, that matter has been compromised between the parties.*
- (2) Notice of motion.*
- (3) On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.*
- (4) Mr. Dipesh Jain, Advocate for Mr. Anmol Puri, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise by way of affidavit dated 20.09.2023 (P-2) arrived at between the parties at their own level.*
- (5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.*

(6) *Petitioner shall file his affidavit that there is no other criminal case(s) pending against him and also give the details of any other FIR(s), already quashed on the basis of compromise.*

(7) *In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 15.11.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.*

(8) *Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) *List before this Court on 11.01.2024 for further consideration.*

(10) *Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*

(11) *Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance."*

3. Pursuant to the aforesaid order, report dated 06.12.2023 from ld.

JMIC, Amritsar has been received, which is taken on record. As per the

report, the Trial Court has recorded as follows:-

"...The report of this court is hereby submitted as under:

(1) This Court is satisfied that the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner;

(ii) This Court is satisfied that the compromise effected between the parties is genuine and valid;

(iii) There is one complainant in the case namely Charu Walia and there is only one accused in the case name Mandeep Singh and both of them are party to the compromise;

(iv) No other case is pending against either of the parties;

(v) Accused involved in the case has never been declared proclaimed offender; and

(vi) The petitioner is not a previous convict.”

4. 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 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, 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) 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.9 dated 11.02.2023 under Section 498-A of IPC, registered at Police Station Women Cell, Police Commissionerate, Amritsar and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 20.09.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

31.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No