

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

281

CRM-M-55631-2023 (O&M)
Date of decision: 12.03.2024

INDERJIT SINGH @ INDERJIT SINGH TOOR AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amanpreet (A.P.) Singh, Advocate
for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Saransh Sabharwal, Advocate
for respondent No.2 & 3.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.0001 dated 08.01.2020 under Section 498-A of IPC (Section 406, 420 and 120-B of IPC added on presentation of Final Report under Section 173 Cr.P.C), registered at Police Station, NRI (Police District Ludhiana Commissionerate) District Ludhiana, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 05.10.2023 (Annexure P-2), which is stated to have been effected between the parties.
2. On 22.11.2023, the following order was passed:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0001 dated 08.01.2020 under Section 498-A of the Indian Penal Code, 1860 (Sections 406, 420 and 120-B IPC added on presentation of Final Report under Section 173 CrPC) registered at Police Station NRI (Police District Ludhiana Commissionerate), District Ludhiana, Punjab, and all other consequential proceedings arising there-from, on the basis of a compromise dated 05.10.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the FIR is the result of a matrimonial discord between the parties and now all disputes stand resolved between them by way of compromise dated 05.10.2023 (Annexure P-2). Learned counsel for the petitioners has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. 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. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Saransh Sabharwal, 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 would have no objection if the aforesaid FIR is quashed in view of the compromise arrived at between the parties.

List on 12.03.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 07.12.2023, or on any other date convenient to the Court, for recording of their statements. The statements of petitioner No.3 and respondent No.2 shall be recorded through video conferencing as per Video Conferencing Rules, 2021. 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 05.10.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties."*

3. Pursuant to the aforesaid order, report dated 11.12.2023 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:-

"1. In view of the statements of the parties and I.O., The compromise dated 05.10.2023 seems to be genuine, voluntary and out of free will of the parties;
2. There are only two accused namely Sukhjinder Kaur and Inderjit Singh and no proceeding is pending accused/petitioner. against the
3. As per statement of Investigating officer, no other case against accused is pending.
4. As per the statement of Investigating Officer no accused are absconding proclaimed offender in this case;"

4. Learned counsel for respondent Nos.2 and 3 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. 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 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 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.0001 dated 08.01.2020 under Section 498-A of IPC (Section 406, 420 and 120-B of IPC added on presentation of Final Report under Section 173 Cr.P.C), registered at Police Station, NRI (Police District Ludhiana Commissionerate) District Ludhiana, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 05.10.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 12, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No