



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112

CRM-M-55547-2023

Date of decision: 26.09.2024

SUKHWINDER SINGH AND OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhveer S. Killianwali, Advocate
for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Ankit Bishnoi, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.48 dated 10.06.2016 under Sections 452, 323, 324, 148, 149 of IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, and all consequential proceedings arising therefrom on the basis of compromise dated 07.10.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 06.11.2023, the following order was passed:

“This is a petition filed under Section 482 Cr.P.C. seeking quashing of case FIR No.48 dated 10.06.2016, under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise dated 07.10.2023 (Annexure P-2) and affidavit of respondent No.2 dated 07.10.2023 (Annexure P-3).

Learned counsel for the petitioners submits that the parties have settled their dispute and entered into a compromise, which is reduced into writing and appended alongwith the instant



petition as Annexure P-2. Respondent No.2-complainant has also furnished his affidavit to the effect that he has entered into a compromise and has no objection in case the FIR in question is quashed.

Notice of motion.

Mr. Gurvinder Singh Sidhu, AAG, Punjab, puts in appearance on behalf of respondent No.1-State and waives service. He seeks time to file reply/status report.

Mr. Gurwinder Singh, Advocate, puts in appearance on behalf of respondent No.2 and has filed his Power of Attorney, which is taken on record. He affirms that the matter has been compromised between the parties and the complainant party does not wish to pursue the FIR in question.

In view of the above, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate/Duty Magistrate for recording their statements on 22.11.2023 or any other date convenient to the concerned Court. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the Court at the time of recording statements of the parties.

The concerned Court is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Illaq Magistrate/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/ complainants are there in the FIR.*

The State to file status report before the next date.

List on 30.01.2024.”

3. Pursuant to the aforesaid order, report dated 28.11.2023 from Judicial Magistrate Ist Class, Malout has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. As per the statement of IO, only four persons were arrayed as accused i.e. (1) Sukhwinder Singh son of Hardev Singh (2) Simarjeet Kaur wife of Hardev Singh, (3) Gurvinder Singh son of Hardev Singh and (4) Karamjeet Kaur wife of Naib Singh all residents of village Malout, Tehsil Malout, District Sri Muktsar Sahib in the above mentioned FIR.

2.As per statement of IO, none of the accused was declared proclaimed person.



3. *As per the statement of IO, only three accused petitioners namely Sukhwinder Singh, Simarjeet Kaur and Gurvinder Singh were appeared before this Court for recording their statement.*
4. *The compromise, which has been entered into by the parties in this case, is genuine, voluntary and without any coercion or undue influence.*
5. *As per the statement of IO, accused persons are not involved in any other FIR except this FIR.*
6. *As per the statement of IO, there was only one victim / complainant in this FIR i.e. Gurwinder Singh.”*

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 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.48 dated 10.06.2016 under Sections 452, 323, 324, 148, 149 of IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, and all consequential proceedings arising therefrom on the basis of compromise dated 07.10.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 26, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No