



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-52474-2024
Date of decision: 16.12.2024

VIPAN KUMAR AND OTHERS
...PETITIONERS

V/s

STATE OF PUNJAB AND ANR
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.K. Dhot, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Amit Kumar Walia, Advocate
for respondent No.2.

SUMEET GOEL, J.

The present petition has been filed on 16.10.2024 under Section 482 of Cr.P.C. for quashing of FIR.

As per the judgment rendered by this Court titled as ‘*Abhishek Jain Vs. State of U.T. Chandigarh and another (CRM-M-31808-2024:2024:PHHC:085784)*’, the present petition is not maintainable under 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. The present petition has been filed for quashing of FIR No. 139 dated 08.05.2018 under Sections 498-A, 406 of IPC, registered at Police Station City Sangrur, District Sangrur and all consequential proceedings



arising therefrom on the basis of compromise dated 09.10.2024 (Annexure P-3), which is stated to have been effected between the parties.

2. On 22.10.2024, the following order was passed:

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At this stage, Mr. Adhiraj Singh, AAG, Punjab, has put in appearance on behalf of respondent No 1 State of Punjab and accepts notice.

Mr. Amit Kumar Walia, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 21.11.2024 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statement of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaq Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaq Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaq Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaq Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaq Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.



The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court before the next date of hearing i.e. 16.12.2024."

3. Pursuant to the aforesaid order, report dated 13.12.2024 from Chief Judicial Magistrate, Sangrur has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- 1) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*
- (iii) Whether any accused has been declared Proclaimed Offender?*

Complainant Amandeep Kaur has stated that the FIR No.139 dated 08.05.2018, Under Section 406, 498-A of IPC, P.S. City Sangrur, District Sangrur was registered by her against accused Vipan Kumar (her husband) son of Ravi Kant r'o street No.21/5 Partap Nagar, Railway Station Bathinda. But, during the pendency of the present case, she filed an application under Section 319 of Cr.PC for summoning accused namely Ravi Kant (her father in law) and Kanta Devi @ Kanta Rani (her mother in law) and Shivani (her sister in law). As per order dated 02.11.2021 passed by this Court, the accused persons namely Ravi Kant (her father in law) and Kanta Devi @ Kanta Rani (her mother in law) were summoned in the present case and also ordered that no ground is made out against the accused Shivani (her sister in law), so that, she could not be summoned. She is only complainant and no other aggrieved party in the present case. She has voluntarily compromised the matter with the accused Vipan Kumar (her husband), Ravi Kant (her father in law) and Kanta Devi @Kanta Rani (her mother in law) with the intervention of respectable persons, without any coercion and undue influence, as per compromise dated 09.10.2024. Hence, she has no objection if FIR of the present case may be quashed against above mentioned accused persons.

Similarly, the accused Vipan Kumar and also accused persons (who are summoned under Section 319 of Cr.PC namely Ravi



Kant & Kanta Devi @ Kanta Rani) have stated that the present FIR No.139 dated 08.05.2018, under Section 406, 498-A of IPC, police station City Sangrur, District Sangrur was registered against Vipin Kumar by the complainant Amandeep Kaur. But, during pendency of the present case, they are (accused namely Ravi Kant and Kanta Devi @ Kanta Rani) were summoned under Section 319 of Cr.PC as per order dated 02.11.2021 passed by this Court. He (Vipin Kumar) is only arrayed as an accused in the present FIR but later on the accused persons Ravi Kant and Kanta Devi @ Kanta Rani were summoned as accused persons under Section 319 of Cr.PC. Neither they are declared Proclaimed offender in the present case nor involved in any other FLR case. They have voluntarily compromised the matter with complainant (named above) with intervention of respectable persons, without any coercion and undue influence, as per compromise dated 09.10.2024. The copy of compromise has already been produced before Hon'ble High Court. They have prayed that the petition for quashing of the FIR in question may kindly be allowed.

Thereafter, Inspector Amrik Singh No. 11/PR now posted at police line, Sangrur who is Investigating Officer of this case, has appeared and his statement has been recorded to the effect that in the present F.LR, mentioned above, only Amandeep Kaur wife of Vipin Kumar daughter of Faquir Chand resident of house no.229, Street No.1, Dashmesh Nagar, Patiala Road, Sangrur is complainant of the present case and except her, there is no other aggrieved/affected party in the present matter. He further stated that the accused Vipin Kumar son of Ravi Kant r/o Street No.21/5 Partap Nagar, Railway Station Bathinda has been arrayed as an accused in the FIR but thereafter the accused Ravi Kant son of Gulab Chand and accused Kanta Devi @ Kanta Rani wife of Ravi Kant who were summoned under Section 319 of Cr.PC as per order dated 02.11.2021 passed by the Court. Except them, there is no other accused in the present matter. Neither they are declared proclaimed offenders in the present case nor any proclamation proceedings are initiated against them.

It is submitted that the complainant Amandeep Kaur and accused persons namely Vipin Kumar, Ravi Kant and Kanta Devi @ Kanta Rani have appeared in the Court and made their statement to the effect that they have entered into a compromise between them and as per their statements, the compromise has been arrived at genuine, voluntarily and without any coercion or undue influence between them. The complainant Amandeep Kaur and accused persons namely Vipin Kumar, Ravi Kant and Kanta Devi @Kanta Rani have been identified by their learned counsel respectively.

It is further submitted that as per the statement of complainant Amandeep Kaur as well as Inspector Amrik Singh who is investigating officer of this case, the accused Vipin Kumar has been arrayed as an accused in the FIR but thereafter accused



persons Ravi Kant & Kanta Devi @ Kanta Rani who were summoned under Section 319 of Cr.PC as per order dated 02.11.2021 passed by the Court. Except them, there is no other accused in the present matter. Neither they are declared proclaimed offenders in the present case nor any proclamation proceedings are initiated against them.

It is further submitted that as per the statement of IO Inspector Amrik Singh, only Amandeep Kaur wife of Vipin Kumar daughter of Faquir Chand resident of house no.229, Street No.1, Dashmesh Nagar, Patiala Road, Sangrur is complainant of the present case and except her, there is no other aggrieved/affected party in the present matter.”

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-3).

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 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.*
- (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. 139 dated 08.05.2018 under Sections 498-A, 406 of IPC, registered at Police Station City Sangrur, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise dated 09.10.2024 (Annexure P-3), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

December 16, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No