

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

240

CRM-M-56799-2023 (O&M)  
Date of decision: 09.05.2024

GURPREET SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Bansal, Advocate and  
Mr. Lakshay Jindal, Advocate  
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Ms. Kamalpreet Kaur, Advocate  
for respondent No.2.

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SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.0046 dated 23.04.2023 under Sections 406, 498-A of IPC, registered at Police Station, Women, District Police Commissionerate and all consequential proceedings arising therefrom on the basis of compromise dated 25.05.2023 (Annexure P-2) as well as affidavit dated 12.07.2023 (Annexure P-4), which is stated to have been effected between the parties.

2 On 09.04.2024, the following order was passed:

*“The petitioner has 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. Yuvraj Singh Tiwana, AAG, Punjab, has put in appearance on behalf of respondent No 1 State of Punjab and accepts notice.*

*Ms. Kamalpreet Kaur, Advocate has filed memo of appearance for respondent No. 2. She shall file vakalatnama on the next date of hearing.*

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

*(i) The petitioner shall appear before the trial Court/Illaq Magistrate concerned on 22.04.2024 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statement of the petitioner 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. 09.05.2024."*

3. Pursuant to the aforesaid order, report dated 23.04.2024 from Judicial Magistrate, Ist Class, Jalandhar, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“Most respectfully, this is reference to the subject cited above complainant namely Gurjeet Kaur aged about 30 years d/o Som Raj r/o H.NO. 46 New Deol Nagar, Teh. And Distt. Jalandhar and accused Gurpreet Singh aged about 31 years s/o Kashmir Singh r/o 12/444, Abadi Dhup Sari, Sant Nagar Verka, Amritsar-II, Amritsar, Punjab together came present in the Court for recording their statements in order to confirm genuineness of the compromise. They produced copy of the above said order passed by Honourable High Court passed in CRM-M-56799 of 2023 in case titled as 'Gurpreet Singh Vs State of Punjab & Another'. On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. On 22.04.2024 complainant and accused appeared in the Court in compliance of the above said order passed by Honourable High Court. The complainant has also suffered statement that She has compromised the matter with accused. She and accused party will remain peacefully in the future as per compromise affected between them. She has compromised with the accused party, without any threat, inducement or any kind of pressure. Now there is no grudge against the accused party. She want to live peacefully in the society in future. She does not want to take any action against the accused in the present case. She has got no objection, if the present FIR against the above mentioned accused be quashed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been taken place with the free consent and without any pressure. There is no other person as accused involved in the occurrence given in the FIR. Similarly, accused has also suffered statement to the effect that he has compromised with the complainant.*

*ASI Jaswant Singh 3533/Jal posted at PS Women Cell, Jalandhar suffered a statement that as per record the name of the complainant of the present case is Gurjeet kaur. Except her there is no other aggrieved parties in this FIR. The name of the accused person is Gurpreet Singh. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in the present case or in any other criminal case in Jalandhar.*

*The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.*

*As per record the name of the complainant of the present case is Gurjeet kaur. Except her there is no other aggrieved parties*

*in this FIR. The name of the accused person is Gurpreet Singh. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in the present case or in any other criminal case in Jalandhar. At present, the case is pending for the prosecution evidence.*

*Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.*

*The compliance report along with statements of parties recorded by the undersigned is submitted herewith for onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh."*

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated that he has 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.0046 dated 23.04.2023 under Sections 406, 498-A of IPC, registered at Police Station, Women, District Police Commissionerate and all consequential proceedings arising therefrom on the basis of compromise dated 25.05.2023 (Annexure P-2) as well as affidavit dated 12.07.2023 (Annexure P-4), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)  
JUDGE

May 09, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |