

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57486-2023
Date of decision : 30.04.2024

CHARANJIT SINGH AND OTHERSPetitioners

Versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Harmanpreet Singh, Advocate for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

Mr. Supreet Singh, Advocate for
Mr. Rahul Rana, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.146 dated 19.09.2020, registered for offences punishable under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sultanwind, District Police Commissionerate Amritsar (Annexure P-2) on the basis of compromise.

2. On 16.11.2023, the following order was passed :-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioners seeking quashing of FIR No.146 dated 19.09.2020, registered for offences punishable under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sultanwind, District Police Commissionerate Amritsar and all

subsequent proceedings arising thereto on the basis of compromise.

Ld. Counsel for the petitioners contends that the matter already stands compromised vide Annexure P-1.

Notice of motion for 11.03.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

Mr. Rahul Rana, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties are directed to appear before learned Trial Court/Duty Magistrate on 12.12.2023. On their doing so, the learned Trial Court/Duty Magistrate shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?
4. Whether the accused persons are involved in any other case or not?
5. The Trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Trial Court/Duty Magistrate shall be at liberty to call the parties on any other date but not later than a week thereafter.”

3. Pursuant to the aforesaid order, report from JMIC, Amritsar dated 16.03.2024 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xxx It is respectfully submitted that their statements regarding compromise have been recorded separately. In their statement, complainant/respondent No. namely Sharandeep Singh @ Shrandeep Singh stated that present FIR was registered at his instance against above said accused persons/petitioners and now the matter has been compromised between them. Complainant/respondent no.2 further stated that he does not want to proceed further with the present case against the said persons and he has no objection, if the aforesaid FIR is quashed qua the above-said accused persons/petitioners. The complainant/respondent no.2 further submitted that the compromise is genuine, voluntarily and without any coercion or undue influence and arrived at between them with their free will. He further submitted that there is no other accused person in the present FIR except the petitioners. No accused has been declared Proclaimed offender in the present case.

2. Thereafter, separate statement of above-said accused persons namely Charanjit Singh, Gurpreet Singh, Paramjit Singh and Nirmal Singh regarding compromise have also been recorded. They in their statement submitted that the compromise arrived at between them and the complainant/respondent with the intervention of respectables for the betterment of the parties and to end the future enmity/conflict between the parties. They also stated that there is no other accused person in the present FIR. There is no other complainant except the respondent. The compromise is genuine, voluntary and out of the free will. No other FIR is registered against them. Both the parties also submitted their identity proofs and they have also been identified by their counsels. The statement of Investigating officer namely ASI Ashwani Kumar has also been recorded on the same day who has stated that no accused has been declared proclaimed person in the present case. There is no other accused in the present case except the petitioners and there is no other complainant/victim in the present case except the respondent no. 2. The challan has not been presented in the court.

3. It is submitted that while recording the statements of both the parties, it has been ensured that in the present FIR, the accused persons/petitioners and complainant/respondent have appeared before the court along with their counsels. As per the statement of parties and investigating officer, there is no other accused in the present FIR and there is no other complainant/victim in the present case. No accused has been declared Proclaimed Person in the present case. The compromise is genuine, voluntary and without any pressure, being outcome of their free will. As per the statement of accused persons, no other FIR is registered against them.”

4. Ld. Counsel appearing 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 Ld. State Counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard Ld. 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 recognizing compromise between parties in non-compoundable offences in the cases of **Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052, 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) and
Mohammad Wajid & anr. Vs. State of U.P. & ors, 2023 AIR (SC) 3784.**

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 wiser 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.

(h) When it comes to quashing of FIR or criminal proceedings, the criminal antecedents of the accused cannot be the sole consideration to decline to quash the criminal proceedings.

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) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra) i.e. heinous offence.
- (ii) The offences alleged are 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.146 dated 19.09.2020, registered for offences punishable under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sultanwind, District Police Commissionerate Amritsar (Annexure P-2) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

April 30, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No