

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-59406 of 2023 (O&M)
DATE OF DECISION :- 02.02.2024**

Parminder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Om Malhan, Advocate
for Mr. M.S. Sachdev, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Tanish Gautam, Advocate
for Mr. Rishabh Goel, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No. 32 dated 24.04.2022 under Sections 406,498-A of IPC, registered at Police Station, Women Cell, Police Commissionerate Jalandhar and all consequent proceedings arising therefrom on the basis of compromise dated 10.05.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 24.11.2023, the following order was passed:

“1. The petitioner seeks to quash the FIR No.32 dated 24.04.2022 under Sections 406/498-A IPC registered at Police Station Women Cell, Police Commissionerate Jalandhar on the basis of compromise.

2. *Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and his other relatives but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 28.12.2014 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The petitioner has purchased a house jointly in his name and respondent No.2 to the extent of half share each and they have started residing therein. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor son is happily residing in the matrimonial house. The petitioner has withdrawn the petition under Section 13 of the Hindu Marriage Act. Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act. No other case is pending between the parties.*

3. *Notice of motion.*

4. *Ms. Ruchika Sabharwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.*

5. *Mr. Rishab Goyal, Advocate, has appeared on behalf of respondent No.2, placed on record vakalatnama and acknowledged the fact of compromise.*

6. *The parties are directed to appear before the learned Illaqa Magistrate/trial Court for recording their statements with regard to compromise/settlement on 14.12.2023. It is made clear that if for any reason, the statements are not recorded on that date, the same may be recorded on any subsequent date to the convenience of the Court concerned.*

7. *The learned Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

1. *Number of persons arraigned as accused in 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.

8. To await the report, list again on 09.01.2024.”

3. Pursuant to the aforesaid order, report dated 14.12.2023 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 Navjot Kaur aged about 35 years d/o Inderjit Singh r/o EP 21/1 Ram Gali, Shaida Gate, Jalandhar and accused namely Parminder Singh aged 40 years s/o Harcharan Singh r/o H.no. 31/81 Near Amrit Bazar Mohalla Necha Banda, Kapurthala 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-59406 of 2023 in case titled as Parminder Singh Vs State of Punjab & Anr.' On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. On 12.12.2023 complainant and the 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. sure. 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. None of the accused have been declared P.O in this case. Similarly, special attorney of the

accused has also suffered statement to the effect that he has compromised with the complainant on behalf of the accused. ASI Rajesh Kumar No.1657/Jal posted at PS Women Cell, Jalandhar suffered statement that as per record the name of the complainant of the present case is Navjot Kaur and except her there is no other complainant in this FIR. The name of the accused person is Paraminder 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 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 Navjot Kaur and except her there is no other complainant in this FIR. The name of the accused person is Paraminder 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 any other criminal case in Jalandhar. At present, the case is pending for evidence of the prosecution.

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 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 petitioner is 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 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 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. 32 dated 24.04.2022 under Sections 406,498-A of IPC, registered at Police Station, Women Cell, Police Commissionerate Jalandhar and all consequent proceedings arising therefrom on the basis of compromise dated 10.05.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

02.02.2024

P.Singh

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No