

CRM-M-60156-2023
CRM-M-60412-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 06.02.2024

CRM-M-60156-2023
RANJODH SINGHPetitioner

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

CRM-M-60412-2023
JASJOT SINGH GREWAL AND ANOTHERPetitioners

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashok Giri, Advocate
for the petitioner in CRM-M-60156-2023 and
for respondent No.2 in CRM-M-60412-2023.

Mr. Ravi Rana, Advocate
for the petitioners in CRM-M-60412-2023 and
for respondents No.2 and 3 in CRM-M-60156-2023.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

These are two petitions filed under Section 482 Cr.P.C. arising out of version and cross-version. The petitioners herein are praying for quashing of FIR No.228, dated 09.09.2023 registered for the offences punishable under Sections 323/341/34 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Division No.5, Ludhiana, District Police

Commissionerate Ludhiana and cross-case DDR No.2 dated 10.09.2023 registered for the offences punishable under Section 336 of the IPC and Section 27 of Arms Act of the same Police Station along with all subsequent proceedings arising therefrom.

2. On 30.11.2023 (in CRM-M-60156-2023) and 04.12.2023 (in CRM-M-60412-2023), the matter was referred to the Court below for recording of statements of the parties (in both the cases) and to report w.r.t. genuineness of the compromise arrived at between them.

3. Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Ludhiana dated 12.01.2024 (in CRM-M-60156-2023) has been received, which is taken on record. As per the report, the Trial Court has recorded as follows :

“6. In view of the abovesaid statements of complainants/respondents Jasjot Singh Grewal, Navjot Singh and accused/petitioner Ranjod Singh, it emerges on record that the matter has been compromised between them with the intervention of respectables out of their free will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter and complainant has no objection in case the DDR No.02 dated 10.09.2023 registered in FIR No.228 dated 09.09.2023 and subsequent proceedings are quashed against accused.

7. It is further respectfully submitted that in view of statement suffered by Investigating Officer ASI Mohan Lal No.451/Ldh. P. S. Div no 5, Ludhiana, it emerges on record that FIR No.228 dated 09.09.2023, Under Section 323, 341,34 of Indian Penal Code, P. S. Div. No.5, Ludhiana, was registered on

the basis of statement suffered by complainant Ranjodh Singh son of Gurdial Singh and Ranjodh Singh is the only complainant/victim of the abovesaid FIR and further the said FIR was registered against accused persons namely Navjot Singh son of Gurmukh Singh and Jasjot Singh Grewal son of Gurpreet Singh. Further, it emerges on record that in the abovesaid FIR, a cross- case vide DDR No.02 dated 10.09.2023, U/S. 336 of Indian Penal Code, 27 of Arms Act, P. S. Div. No.5, Ludhiana was also got registered against Ranjodh Singh son of Gurdial Singh on the basis of statement suffered by Jasjot Singh Grewal son of Gurpreet Singh and Navjot Singh son of Gurmukh Singh is eye witness of occurrence in the abovesaid DDR and Ranjodh Singh is the only accused in the said cross-case registered vide abovesaid DDR No.02 dated 10.09.2023. He has further stated that as per record of Police Station, the accused persons namely Navjot Singh son of Gurmukh Singh and Jasjot Singh Grewal son of Gurpreet Singh (FIR No.228 dated 09.09.2023) and accused Ranjodh Singh (DDR No.02 dated 10.09.2023) are not involved in any other case, nor these accused persons have been declared as proclaimed offenders, nor any proclamation proceedings are pending against them. The copy of statement of Investigating Officer is also enclosed herewith.”

4. Since, it is a case of version and cross-version, the counsel who is representing the petitioner(s) in one case, also represents the private respondent(s) in cross-version case. Both counsels admit the fact of parties having compromised and state that they have no objection in case the FIR as well as DDR 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 Cr.P.C. to quash proceedings recognizing compromise between the 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 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) 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 petitions are allowed. FIR No.228, dated 09.09.2023 registered for the offences punishable under Sections 323/341/34 of the Indian Penal Code, 1860, at Police Station Division No.5, Ludhiana, District Police Commissionerate Ludhiana and cross-case DDR No.2 dated 10.09.2023 registered for the offences punishable under Section 336 of the IPC and Section 27 of Arms Act of the same Police Station and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

10. A copy of this order be kept on the file of other connected case.

February 06, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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