

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

CRM-M-826 of 2020

DATE OF DECISION :- 16.02.2024

Manpreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. A.P. Setia, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Ms. Geetanjali Sharma, Advocate
for Mr. Sarabjeet Singh Grewal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No. 24 dated 17.02.2018 under Sections 323,406 & 498-A of IPC, registered at Police Station, Sadar Kurali, Mohali and all consequential proceedings arising therefrom on the basis of compromise dated 19.03.2019 (Annexure P-3), which is stated to have been effected between the parties.

2 On 10.01.2020, the following order was passed:

“Prayer made in this petition is for quashing of FIR and all the

consequential proceedings arising therefrom on the basis of the compromise between the parties.

Notice of motion for 18.05.2020.

At this stage, Mr. Ithlesh Kaushal, Advocate, has put in appearance on behalf of respondent No.2 and filed his vakalatnama, which is taken on record. He admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement, on 24.02.2020.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

(i) Number of persons arrayed as accused in FIR;

(ii) Whether any accused is proclaimed offender;

(iii) The stage of trial/proceedings;

(iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence."

3. Pursuant to the aforesaid order, report dated 24.02.2020 from Judicial Magistrate Ist Class, Kharar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

i) As per the statements of the parties and perusal of FIR available on record, there are only three accused persons i.e. Manpreet Singh, Harjinder Singh and Harmeet Kaur, in the present FIR;

ii)As per the statements of parties, none has been declared as Proclaimed Offender;

iii)As per the statement of accused persons, investigation is pending in present FIR;

iv) As per the statements of parties; the compromise is genuine, voluntary and without any coercion or undue influence."

4. Learned counsel for the complainant 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 is 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 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. 24 dated 17.02.2018 under Sections 323,406 & 498-A of IPC, registered at Police Station, Sadar Kurali, Mohali and all consequential proceedings arising therefrom on the basis of compromise dated 19.03.2019 (Annexure P-3), are, hereby, quashed qua the petitioners.

(SUMEET GOEL)
JUDGE

16.02.2024
P.Singh

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