

241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61097-2023
Date of decision : 03.05.2024

DHANJEET SINGHPetitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Prabhdeep S. Toor, Advocate
for the petitioner.

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

Mr. S.P.S. Aulakh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.175 dated 23.10.2017 under Sections 307, 323, 506, 427, 148, 149, 120-B of IPC, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City Malout, District Shri Muktsar Sahib (Annexure P-1) on the basis of compromise.

2. Counsel for the petitioner submits that Section 307 IPC stands deleted later on. He further submits that initially there were four accused. Out of which, two namely Manpreet Singh @ Maana and Bakshish Singh Pradhan have died and one was declared innocent i.e. Shubhdeep Singh.

3. On 05.12.2023, the following order was passed :-

“Prayer in this petition is for quashing of FIR No.175 dated 23.10.2017 under Sections 307, 323, 506, 427, 148, 149, 120-B of IPC, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Malout, District Shri Muktsar Sahib, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 15.11.2023, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that FIR is an outcome of a minor altercation between the parties, which has been amicably settled by compromise, Annexure P-2.

Notice of motion.

On asking of the Court, Mr. A.P.S. Tung, DAG, Punjab, accepts notice on behalf of respondent No.1-State. As per instructions received by him from HC Jagdish Kumar, he submits that offence under Section 307, IPC, has been deleted. He has instructions to state that 04 persons were named as accused in the FIR, out of which, Manpreet Singh @ Manna and Bakshish Singh, have unfortunately expired and Shubdeep was found innocent. He submits that the petitioner, who is at the sole accused, is involved in some other criminal cases also. Mr. S.P.S. Aulakh, Advocate accepts notice on behalf of respondent No.2 and has filed Power of Attorney, which is taken on record. He admits the factum of compromise.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 15.01.2024 or on any day thereafter as fixed by the court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. whether any other criminal case is pending against the accused.

Report of Area Magistrate/Trial Court be awaited for 21.02.2024.

Let the details of the criminal antecedents of the petitioner be brought on the record”

4. Pursuant to the aforesaid order, report from SDJM, Malout dated 12.02.2024 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“From the aforesaid statements of the concerned parties, it appears that :-

(1) Four accused persons namely (1) Dhanjeet Singh son of Bakshish Singh r/o House no.52, ward no.20, Street no.01, Gali Bakshish Pardhan Wali, Near Peer Khana Chowk, Malut, Sri Muktsar Sahib i.e. Petitioner in CRM-M-61097 of 2023 besides Manpreet Singh @ Manna, Bakshish Singh Pradhan and Shubhdeep Singh and nine unknown persons out of whom, Manpreet Singh @ Maana and Bakshish Singh Pradhan have expired before filing of challan and accused Shubhdeep Singh was declared innocent, in investigation, were arrayed as accused in this FIR and only one accused Dhanjeet Singh son of Bakshish Singh r/o House no.52, ward no.20, Street no.01, Gali Bakshish Pardhan Wali, Near Peer Khana Chowk, Malout, Sri Muktsar Sahib i.e. Petitioner in CRM-M-61097 of 2023 has appeared and made statement and none of the named accused is absconding/PO in this case.

(2) Parminder Singh is complainant/injured/aggrieved

person and he has appeared and has made the statement in support of compromise.

(3) The case is at the stage of prosecution evidence.

(4) The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.

(5) As per statement of parties, no other criminal case is pending against accused.”

5. 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 petitioner are quashed.

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

7. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

8. 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.

9. 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.

10. Consequently, the petition is allowed. FIR No.175 dated 23.10.2017 under Sections 307, 323, 506, 427, 148, 149, 120-B of IPC, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City Malout, District Shri Muktsar Sahib (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

May 03, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No