

Date of Decision : April 04, 2024

Versus

State of Punjab and othersRespondent(s)

Mr. Mahipal Singh Yadav, Advocate
for respondent Nos.2 to 4.

PANKAJ JAIN, J. (Oral)

2 On 20.12.2023, the following order was passed:

“The present petition bearing CRM-M-64038-2023 has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C by the petitioners seeking quashing of FIR No. 50 dated 07.09.2018, registered for offences punishable under Sections

307/452/324/323/506/336/148/149 IPC, (offence under Sections 307/452/336 IPC has been deleted later on and offence under Sections 325 & 326 IPC has been added later on) at Police Station City Ahmedgarh, District Sangrur (now Malerkotla) (Annexure P-1).

Petition bearing CRM-M-64180-2023 has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C by the petitioners seeking quashing of GD No. 29 dated 08.09.2018, registered for offences punishable under Sections 323/324/506/148/149 IPC, (offence under Sections 325/201 IPC added later on) at Police Station City Ahmedgarh, District Sangrur (now Malerkotla) (Annexure P-3).

2. Learned counsel for the petitioner(s) contends that the present is a version and cross-version case and the matter already stands compromised vide compromise dated 07.12.2023 (Annexure P-4).

3. Notice of motion for 04.04.2024.

4. On the asking of the Court, Mr. Luvinder Sofat, DAG, Punjab accepts notice on behalf of respondent No.1-State. Mr. Mahipal Singh Yadav, Advocate appears and accepts notice on behalf of respondents No.2 to 4 in CRM-M-64038-2023 and Mr. Sunny K. Singla, Advocate accepts notice on behalf of respondents No. 2 to 4 in CRM-M-64180-2023. Both the counsels admit the fact of there being a compromise between the parties.

5. In view of the above, both the parties are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 23.01.2024. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court 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.*

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

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

8. *A photocopy of this order be placed on the file of other connected case.”*

3 Pursuant to the aforesaid order, report dated 27.03.2024 from Judicial Magistrate 1st Class, Malerkotla has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“With due regard and with reference to the order dated 20.12.2023, passed in the captioned Criminal Miscellaneous, parties were directed to appear before the Ld. Duty Magistrate/Illaq Magistrate/Trial Court for recording their statements qua compromise and undersigned was directed to submit report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statement of both the affected parties.

As per the statements of complainant Amandeep Singh @ Amandeep Singh Boparai son of Balwant Singh, two injured persons namely Ravinder Singh @ Romi son of Kulwant Singh & Ujjwaldeep Singh @ Aric @ Ujjwaldeep Singh Boparai son of Ravinder Singh @ Ravinder Singh Boparai and all accused namely Sarabjit Singh son of Tehal Singh, Gurdit Singh @ Gurdit Singh Boparai son of Sarabjit Singh @ Sarabjit Singh, Ramandeep Singh son of Gurnam Singh, Pawandeep Singh @ Pawandeep Singh Deol son of Charanpal Singh and Amrinder Singh @ Minda @ Amrinder Singh Thind son of Jagjit Singh recorded by the undersigned, both the parties have echoed the version of having arrived at voluntary compromise with free will

without any pressure, coercion or undue influence. Complainant Amandeep Singh @ Amandeep Singh Boparai and two injured persons namely Ravinder Singh @ Romi & Ujjwaldeep Singh @Aric @ Ujjwaldeep Singh Boparal even mentioned in their statements that we have no objection if FIR in question is quashed by Hon'ble High Court. Complainant also mentioned that this FIR was registered against five accused persons namely Sarabjit Singh son of Tehal Singh, Gurdit Singh @ Gurdit Singh Boparai son of Sarabjit Singh @ Sarbjit Singh, Ramandeep Singh son of Gurnam Singh, Pawandeep Singh @ Pawandeep Singh Deol son of Charanpal Singh and Amrinder Singh @ Minda @ Amrinder Singh Thind son of Jagjit Singh. Accused even stated that they have not been declared as Proclaimed Offender in this case or in any other criminal case.

ASI Parveen Kumar Investigating Officer gave his separate statement that this FIR no. 50 Dated 07.09.2018, under Sections 307,452,324,323,506,336,148,149 of IPC (offence under Sections 307,452,336 of IPC were deleted later on and offence under Sections 325 & 326 of IPC were added) was registered against accused Sarabjit Singh, Gurdit Singh, Ramandeep Singh, Pawandeep Singh, Amrinder Singh, Sukhjit Singh and Master Gurmail Singh. Out of these accused, accused Sukhjit Singh was declared innocent by SIT and accused Gurmail Singh expired. One case bearing FIR No. 100 dated 30.06.2009, under Sections 450,307,324,323,148,149 of IPC pertaining to PS City Ahmedgarh was registered against accused Amrinder Singh. No other accused is involved in any other case as per police record. There are three victims/complainants namely Amandeep Singh son of Balwant Singh, Ravinder Singh son of Kulwant Singh and Ujjwaldeep Singh son of Ravinder Singh in this case.

It is accordingly submitted on the basis of statement given by 10 that there are five persons namely Sarabjit Singh, Gurdit Singh, Ramandeep Singh, Pawandeep Singh and Amrinder Singh arrayed as accused in this case. Accused Sekhjit Singh was declared innocent by SIT and accused Master Gurmail Singh has already expired. That there are three complainants/victims namely Amandeep Singh son of Balwant Singh, Ravinder Singh son of Kulwant Singh and Ujjwaldeep Singh son of Ravinder Singh in this case. That one case bearing FIR No.100 dated 30.06.2009, under Sections 450,307,324,323,148,149 of IPC pertaining to PS City Ahmedgarh was registered against accused Amrinder Singh. No other accused is involved in any other case as per

police record. No accused is proclaimed offender in this case.

On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.

With these submissions, the report with regard to the compromise is being submitted accordingly for the kind perusal of the Hon'ble High Court."

4 Learned counsel for respondent Nos.2 to 4 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, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (**Annexure P-4**).

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 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 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 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.*

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.50 dated 07.09.2018 registered under Sections 307, 452, 324, 323, 506, 336, 148, 149 of IPC, 1860 (offence under Section 307, 452, 336 deleted lateron and offence under Section 325 and 326 added lateron)at Police Station City Ahmedgarh, District Sangrur (now Malerkotla) and all proceedings arising therefrom are hereby quashed *qua* the petitioners.

(PANKAJ JAIN)
JUDGE

04.04.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No