

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

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CRM-M-64497-2023

Date of decision : -01.04.2024

Kuldeep Singh @ Lali @ Moni and another**..... Petitioners**

versus

State of Punjab and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ranjodh Singh Sandhu, Advocate
for the petitioners.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. A.P.S. Rehan, Advocate for
Ms. Gurpreet Kaur, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.94 dated 25.07.2017, registered for offences punishable under Sections 326, 324, 323 and 34 of IPC at Police Station Goindwal Sahib, District Tarn Taran on the basis of compromise dated 08.08.2023 (Annexure P-2).

2. On 21.12.2023, the following order was passed:-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C by the petitioners seeking quashing of FIR No.94 dated 25.07.2017, registered for offences punishable under Sections 326, 324, 323, 34 of IPC, at Police Station Goindwal Sahib District Tarn Taran.

Learned counsel for the petitioners contends that the matter already stands compromised vide Annexure

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P-2.

Notice of motion for **01.04.2024**.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Gurjeet Kaur, Advocate appears on behalf of respondents No.2 and 3 and admits the fact of there being a compromise between the parties.

In view of the above, both the parties are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 15.01.2024. 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.

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

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.”

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3. Pursuant to the aforesaid order, report dated 01.02.2024 from JMIC, Khadur Sahib has been received, which is taken on record. As per the same, there are three accused Charanjit Singh @ Resu, Kuldeep Singh @ Lali @ Moni and Gurdeep Singh. Gurdeep Singh is stated to have unfortunately died on 28.08.2020. Rest of the two accused are petitioners herein. In its report, the trial Court has recorded as follows:-

“xx xx xx

The complainant/respondent no.2&3 namely Gurlal Singh alias Lali and Pal Singh alias Bal have made separate statement that they have compromised the matter with their free will, without any pressure and coercion/undue influence and that they have no objection if the aforesaid FIR be quashed on the basis of compromise. The complainants/respondents no. 2&3 have been identified by counsel Sh. Sarabinder Singh Sandhu, Advocate.

The accused/petitioners, namely, Kuldeep Singh alias Lali alias Moni and Charanjit Singh alias Resu, son of Sardool Singh have made their separate statements that they have compromised the matter with their free will, without any pressure and coercion/undue influence and with his own sweet will. The accused/petitioners, namely, Kuldeep Singh alias Lali alias Moni and Charanjit Singh alias Resu have been identified by counsel Sarabinder Singh Sandhu, Advocate.

The statement of Investigating Officer SI Lakhwinder Singh, belt No.2337/Batala was also recorded, the present FIR was registered on the statement of complainant/victim/respondent No.2 Gurlal Singh alias Lali and complainant/victim/respondent No.3 Pal Singh alias Bal against three

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accused persons namely Charanjit Singh alias Resu, Kuldeep Singh alias Lali alias Moni and Gurdeep Singh (Accused Gurdeep Singh has expired on 28.08.2020).

1. That no accused person has been declared proclaimed offender.

2. That no other First Information Report has been registered against above said accused in P.S.Goindwal Sahib.

In view of the statement of the parties to the case it is hereby submitted that the compromise drawn amongst the parties concerned is genuine and without any coercion or undue influence from any corner.”

4. Mr. A.P.S. Rehan, Advocate for Ms. Gurpreet Kaur, Advocate appears for respondents No.2 & 3 and 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. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 Cr.P.C. to quash proceedings 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 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 :-

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- (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.*
- (vi) *Though the petitioners already stand convicted yet in view of law laid down by the Apex Court in the case of **Ram Gopal and another vs. State of Madhya Pradesh** (supra), this Court finds it to be a fit case to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating therefrom including the order of conviction.*

9. Consequently, the petition is allowed. FIR No.94 dated 25.07.2017, registered for offences punishable under Sections 326, 324, 323 and 34 of IPC at Police Station Goindwal Sahib, District Tarn Taran and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

01.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No