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

CRM-M No.65479 of 2023
Date of decision : 18.03.2024

Sahil Bhalla

...Petitioner

Versus

State of UT Chandigarh and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Karanvir Nanda, Advocate and
Mr. Sajal Bansal, Advocates
for the petitioner.

Mr. Manish Bansal, PP UT Chandigarh and
Mr. Navjit Singh, Advocate and
Mr. Saurav Gumbal, Asvocate
for respondent UT, Chandigarh.

Mr. Kunal Sharma, Advocate
for Mr. Berjeshwar Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1. By way of present petition, the petitioner is seeking quashing of FIR No.41 dated 08.06.2023 registered under Sections 392 and 34 of IPC registered at Police Station Sector-49, Chandigarh and all consequent proceedings arising therefrom on the basis of compromise (Annexure P-2).
2. On 05.01.2024, while issuing notice of motion, following order was passed:

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C by the petitioner seeking quashing of FIR No.41 dated 08.06.2023, registered for offences punishable under Sections 392 and 34 of IPC at Police Station Sector-49, Chandigarh and all

subsequent proceedings arising thereto on the basis of compromise.

Learned counsel for the petitioner contends that the matter already stands compromise deed dated 19.12.2023 (Annexure P-2).

Notice of motion for 18.03.2024

Mr. Manish Bansal, P.P., U.T., Chandigarh, who is present in Court accepts notice on behalf of respondent No.1-State.

Mr. Berjeshwar Singh, Advocate appears and accepts notice on behalf of respondents No.2 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 Illaqa Magistrate/trial Court on 05.02.2024.

On their doing so, the learned Illaqa 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 Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

4. Pursuant to the aforesaid order, report dated 15.02.2024, from

Judicial Magistrate 1st Class, Chandigarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In reference to subject cited above, it is submitted that vide order dated 05.01.2024, passed in CRM-M No. 65479 of 2023 by the Hon’ble Punjab and Haryana High Court, parties were directed to appear before the Illaqa Magistrate/trial Court on 05.02.2024 for recording their statement and thereafter report was sought regarding genuineness and correctness of the compromise that has been effected between the parties. Complainant Dalpreet Singh appeared before the court and got recorded his statement that the present FIR was registered on his complaint against Narendra Khillan and Sahil Bhalla. Now the matter in dispute has been settled by him with Sahil Bhalla with the intervention of friends and relatives vide a written compromise deed dated 19.12.2023. The copy of the same is Ex.P1. The matter has been compromised voluntarily and without any coercion or pressure. He has no objection if the present FIR is quashed against Sahil Bhalla by the Hon’ble High Court.

Further accused Sahil Bhalla appeared and suffered a statement that the present FIR was registered against Narinder Khillan and him on the complaint of Dalpreet Singh son of Balbir Singh, R/o H.No.230, BSNL Society, Sector-50, Chandigarh. Now the matter in dispute has been settled by him and complainant namely Dalpreet Singh with the intervention of friends and relatives vide a written compromise deed dated 19.12.2023. The copy of the same is Ex.P1. The matter has been compromised voluntarily and without any coercion or pressure.

IO ASI Gurdeep Singh No.1685/CHG appeared and suffered statement that he is the Investigating Officer of the present FIR No.41 dated 08.06.2023 u/s 392, 34 IPC, PS 49, Chandigarh. The present FIR was registered on the complaint of Dalpreet Singh, S/o Sh. Balbir Singh, R/o H.No.230, BSNL Society, Sector-50, Chandigarh against accused persons namely Sahil Bhalla and Narinder Khillan. There is only one complainant/victim in the present FIR. The investigation of the present case is going on. During the investigation, accused persons neither declared PO nor any proceeding for declaring any one of them as PO is initiated. Further, FIR No.252 dated 31.05.2022, u/s 18-61-85 NDPS Act and 25-64-59 Arms Act, 120-B IPC at PS Sector 05, Panchkula is registered against accused persons. As per the statements of parties and IO, my points wise report is as follows:

1. There are two accused namely Sahil Bhalla and Narinder Khillan in the

present FIR.

2. None of the accused has been declared proclaimed offender or any such proceedings has been initiated or pending against them.

3. As per the statements of complainant Dalpreet Singh and accused Sahil Bhalla, the compromise has been effected between the parties is genuine voluntarily and without any coercion or undue influence.

4. As per the statement of IO, petitioners/accused persons are involved in FIR No.252 dated 31.05.2022, u/s 18-61-85 of NDPS Act and 25-54-59 of Arms Act, 120-B IPC at PS Sector-05, Panchkula.

5. As per the statement of IO Gurdeep Singh, there is only one complainant/victim in the present FIR.

Copy of statements suffered by the parties and copy of compromise deed dated 19.12.2023 Ex.P1 is attached herewith for kind perusal of your goodself.

Report is accordingly submitted to be presented in CRM-M-No.65479 of 2023 pending for 18.03.2024 before the Hon'ble Punjab and Haryana High Court."

5. Learned counsel 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 is quashed.

6. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (**Annexure P-2**).

7. I have heard learned 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 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.

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.41 dated 08.06.2023 registered under Sections 392 and 34 of IPC registered at Police Station Sector-49, Chandigarh and all proceedings arising therefrom are hereby quashed *qua* the petitioner.

18.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No