



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

278

CRM-M-38096-2024

Date of decision: 09.01.2025

SAMMA SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Brar, Advocate
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. J.S. Dhaliwal, Advocate for
Mr. Navneet Kaur, Advocate for respondent No.2.

SUMEET GOEL, J.

The present petition has been filed on 02.08.2024 under Section 482
of Cr.P.C. for quashing of FIR.

As per the judgment rendered by this Court titled as '*Abhishek Jain
Vs. State of U.T. Chandigarh and another (CRM-M-31808-
2024:2024:PHHC:085784)*', the present petition is not maintainable under Section
482 of Cr.P.C. for quashing of FIR. However, keeping in view the entirety of
facts and circumstances of the case especially that the present petition pertains to
quashing of FIR on basis of compromise, the present petition is directed to be
considered as a petition under Section 528 of BNSS, 2023.

1. By way of present petition, the petitioner is seeking quashing of
FIR No.44 dated 08.06.2023 under Section 324 of IPC, registered at Police
Station Khem Karan, District Tarn Taran and all consequential proceedings



arising therefrom on the basis of compromise dated 29.01.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 07.08.2024, the following order was passed:

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 09.01.2025.

At this stage, Ms. Navneet Kaur, Advocate, has put in appearance on behalf of respondent No.2 and has filed power of attorney, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

(i) Whether there is any other accused other than the petitioner, arrayed in this petition. (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date.”

3. Pursuant to the aforesaid order, report dated 17.09.2024 from Judicial Magistrate, Ist Class, Tarn Taran, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) As per statement of ASI Hira Singh no.1311/T.T. Investigating Officer, in the present case only one person namely Samma Singh son of Suba Singh resident of Ward no.9, Knemkaran, Tehsil Patti District Tarn Taran is arraigned as accused.

(ii) As per statement of ASI Hira Singh no.1311/T.T, Present FIR was registered on the statement of complainant



Khushwinder Singh son of Kuldip Singh resident of ward no.9 Khemkaran, Tehsil Patti District Tarn Taran. There is no other complainant nor affected/aggrieved party other than respondent no.2 in the present case.

(iii) As per statement of ASI Hari Singh, Investigating Officer, no accused has been declared as proclaimed offender.

(iv) As per the statement of parties and oral submissions of the parties, the compromise arrived at between the parties seems to be genuine, voluntary and without any coercion of undue influence.”

4. Learned counsel for respondent No.2 admits the factum 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.

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

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble 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 the Hon'ble 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 of 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.44 dated 08.06.2023 under Section 324 of IPC, registered at Police Station Khem Karan, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 09, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No