



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

286

CRM-M-38876-2024

Date of decision: 13.01.2025

PARDEEP SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Arora, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

Ms. Garima Chaudhary, Advocate
for respondent No.2.

SUMEET GOEL, J.

The present petition has been filed on 06.08.2024 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.333 dated 07.12.2023 under Sections 427, 353, 186, 506, 34 of IPC, registered at Police Station City Tarn Taran, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise



dated 25.07.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 12.08.2024, the following order was passed:

“The Prayer in this petition under Section 482 Cr.PC is for the quashing of the FIR No.333 dated 07.12.2023 under Sections 427, 353, 186, 506, 34 IPC registered at P.S. City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2024 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise according to which, both the parties have agreed not to proceed further with the FIR in question. Notice of motion for 13.01.2025.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1-State of Punjab whereas Mr. Parminder Singh Kanwar, Advocate accepts notice on behalf of respondent no.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which, complainant does not wish to press the allegations alleged in the complaint any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 11.11.2024 with regard to the compromise by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a 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 FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- with the Punjab and Haryana High Court Bar Association Account No.65035682434 State Bank of India High Court Branch, IFSC Code SBIN0050306 on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”



3. Pursuant to the aforesaid order, report dated 14.11.2024 from Chief Judicial Magistrate, Tarn Taran, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“1. As per the statement of parties and investigating officer, the present FIR was got registered by complainant Gurmukh Singh s/o Jagir Singh r/o village Shahzadi, Tehsil and District Ferozepur against accused person namely Pardeep Singh s/o Dalbir Singh, r/o village Pididi, Tehsil and District Tarn Taran.
2. As per the statement of parties and investigating officer, the accused has not been declared proclaimed offender.
3. The parties have suffered their statements in the Court to the effect that have compromised the matter in dispute with each other in the present FIR with the intervention of respectables of locality and their compromise is genuine, voluntarily and without any coercion and undue influence, which seems to be genuine.
4. As per statement of investigating officer, the present FIR includes complainant Gurmukh Singh and accused person namely Pardeep Singh and they both are party to the compromise in question.”*

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that she 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***



(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.333 dated 07.12.2023 under Sections 427, 353, 186, 506, 34 of IPC, registered at Police Station City Tarn Taran, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 25.07.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

January 13, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No