

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
245

CRM-M-57327-2024
Date of decision: 07.01.2025

MOHAN SINGH AND OTHERS
V/s
STATE OF PUNJAB AND OTHERS
....PETITIONERS
....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Vivek Singla, Advocate
for respondent Nos.2 and 3.

SUMEET GOEL, J.

The present petition has been filed on 11.11.2024 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 petitioners are seeking quashing of FIR No.37 dated 05.04.2024 under Sections 323, 325, 506, 452, 148, 149 of IPC, registered at Police Station, Khalra, District Tarn Taran and all

consequential proceedings arising therefrom on the basis of compromise dated 17.09.2024 (Annexure P-3), which is stated to have been effected between the parties.

2. On 19.11.2024, the following order was passed:

“The petitioner(s) arraigned as accused in the FIR captioned below, have come up before this Court under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Notice served upon the official respondent(s) through State counsel. In case the State wants to file its response, they must do so positively before the next date. Counsel for the petitioners undertakes to inform private respondent(s) and will ensure presence of all victim(s)/ private respondent(s) before trial Court for their statements.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on 03.12.2024, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court	
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FIR No.	Dated	Police Station	Sections
37	05.04.2024	Khalra, District Tarn Taran	323, 325, 506, 452, 148, 149 IPC

Criminal Case no. before the trial Court	
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1.	<i>Names of the complainant/ victims(s)/aggrieved persons(s)</i>	
2.	<i>Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded</i>	
3.	<i>Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?</i>	Yes/No
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	Yes/No

5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No
10.	Has the police report been filed or not?	Yes/No
11.	Notice of accusation /Charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	
13.	Whether the court is satisfied with the genuineness of the compromise	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.
List on 17.12.2024.”

3. Pursuant to the aforesaid order, report dated 12.12.2024 from Judicial Magistrate Ist Class, Patti, Tarn Taran has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

Name of the reporting Court	Dr. Harsimrandeep Kaur, JMIC Patti
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<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
37	05.04.2024	Khalra, District Tarn Taran	323, 325, 506, 452, 148, 149 IPC

<i>Criminal Case no. before the trial Court</i>	Police Report has not been filed.
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1.	<i>Names of the complainant/ victims(s)/aggrieved persons(s)</i>	<i>Respondent No.2 Kartar Singh S/o Gurmeet Singh and Respondent No.3 Khushpreet Singh aged 13 years S/o Ajmer Singh R/o Madar Mathra Bhagi Tehsil Patti District Tarn Taran being minor through his real maternal grandfather Gurmeet Singh S/o Gurmej Singh R/o village Madar Mathra Bhagi Tehsil Patii District Tarn Taran.</i>
2.	<i>Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded</i>	<i>03.12.2024</i>
3.	<i>Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?</i>	<i>Yes</i>
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	<i>Yes</i>
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	<i>No</i>
6.	<i>Names of the accused person(s)</i>	<i>1. Mohan Singh aged 62 years S/o Bhola Singh 2. Sukhwinder Singh aged 36 years S/o Mohan Singh.3. Harjinder Singh aged 33 years S/o Mohan Singh 4. Kinderbir Singh aged 22 years S/o Mohan Singh 5. Inderjit Singh aged 36 years S/o Mohan Singh 6. Tirath Singh aged 42 years</i>

		<i>S/o Nishan Singh 7.Gursewak Singh aged 23 years S/o Bakhshish Singh all residents of village Madar Mathra Bhagi Tehsil Patti District Tarn Taran. 8. Harpal Singh aged 20 years S/o Bakhshish Singh resident of village Madar Mathra Bhagi Tehsil Patti District Tarn Taran at present residing at Roba Colony Ramgarh Cantt., Jharkhand through his special power of attorney Bakshish Singh aged 49 years son of Bhola Singh R/o village Madar Mathra Bhagi District Tarn Taran. Tehsil Patti.</i>
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	03.12.2024
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	Yes
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	No
10.	<i>Has the police report been filed or not?</i>	No
11.	<i>Notice of accusation /Charges have been framed or not?</i>	No
12.	<i>Sections of statutes invoked in the matter</i>	323, 325, 506, 452 148, 149 IPC
13.	<i>Whether the court is satisfied with the genuineness of the compromise</i>	Yes

4. Learned counsel for respondent Nos.2 and 3 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-3).

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.37 dated 05.04.2024 under Sections 323, 325, 506, 452, 148, 149 of IPC, registered at Police Station, Khalra, District Tarn Taran and all consequential proceedings arising therefrom on

the basis of compromise dated 17.09.2024 (Annexure P-3), are, hereby, quashed
qua the petitioners.

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

(SUMEET GOEL)
JUDGE

January 07, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No