



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

296

CRM-M-52944-2024

Date of decision: 18.02.2025

AMARPREET SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Barjinder Singh, Advocate
for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Aman Kumar, Advocate for
Mr. R.S. Dhillon, Advocate for respondent No.2.

SUMEET GOEL, J.

The present petition has been filed on 21.10.2024 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.178 dated 09.08.2024 under Sections 420, 406 of IPC and Section 13 of Punjab Travel Professional (Regulation Act), 2014, registered at Police Station City Sangrur, District Sangrur and all consequential proceedings



arising therefrom on the basis of Statement/Compromise dated 23.09.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 24.10.2024, the following order was passed:

“Petitioner Amarpreet Singh has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 178 dated 09.08.2024 under Sections 420, 406 of IPC and Section 13 of Punjab Travel Professional (Regulation Act), 2014, registered at Police Station City Sangrur, District Sangrur (Annexure P-1) as well as all subsequent proceedings arising out of said FIR, on the basis of statement/compromise dated 23.09.2024 (Annexure P-2).

Notice of motion.

On the asking of this Court, Mr. Kewal Singh, Addl. AG, Punjab accepts notice on behalf of State and pointed out that petitioner is involved in three other FIRs. Learned counsel for petitioner seeks time to clarify regarding status of said FIRs. Mr. R.S. Dhillon, Advocate appeared and filed Power of Attorney on behalf of respondent No. 2, which is taken on record.

Let statements of petitioner and respondent No. 2 be recorded with regard to compromise, on or before 27.11.2024 by learned Illaqa/Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, Court will send copies of same to this Court before the next date of hearing along with its report i.e,

1. The number of accused in the aforesaid FIR and to report whether any of the accused have been declared proclaimed offender(s) or any such proceedings have been initiated or pending against him/them.

2. Whether compromise entered between the parties is genuine, voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 11.12.2024.

Status report be also filed by respondent – State by the adjourned date.”

3. Pursuant to the aforesaid order, report dated 09.12.2024 from Chief Judicial Magistrate, Sangrur, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“It is further submitted that as per the statement of complainant Maninder Singh as well as ASI Jagtar Singh who is investigating officer of this case, only Amarpreet Singh is arrayed as an accused in the present FIR. Neither he is declared proclaimed



offender in the present case nor any proclamation proceedings is pending against him. It is also submitted that the accused Amarpreet Singh has already been involved in the FIR bearing No.41 dated 30.03.2023, under Section 420 of IPC, Police Station Sadar Sangrur and thereafter the said FIR has been quashed by the Hon'ble High Court Chandigarh. The accused was also involved in another FIR No.112 dated 21.8.2023 under Section 420, 506, 120-B of IPC, Police Station Sadar Sangrur and the cancellation report of the present FIR has been accepted by the Hon'ble Court, Sangrur on 11.05.2024 in the Lok Adalat.

It is further submitted that the compromise as per statements of complainant Maninder Singh and the accused Amarpreet Singh, has been arrived at genuine, voluntarily and without any coercion or undue influence between them. Both the parties have been identified by their learned counsel respectively.

It is further urged that till date only F.I.R. has been received in the Court and challan is yet to be presented in the Court.

The copies of statements of complainant Maninder Singh, accused Amarpreet Singh and ASI Jagtar Singh who is Investigating officer of this case, are enclosed herewith for your kind perusal.”

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.178 dated 09.08.2024 under Sections 420, 406 of IPC and Section 13 of Punjab Travel Professional (Regulation Act), 2014, registered at Police Station City Sangrur, District Sangrur and all consequential proceedings arising therefrom on the basis of Statement/Compromise dated 23.09.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

February 18, 2025

jatn

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No