

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

251

CRM-M-50625-2019

Date of Decision : 09.01.2020

Narender Dalal

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondent No.1-State.

None for respondent No.2-complainant.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner-**Narender Dalal** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of FIR No.58 dated 18.02.2019 registered under Sections 269, 323, 452 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Rohtak Civil Lines, District Rohtak (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) with respondent No. 2- Jitender.

The above said FIR was registered on statement of respondent No.2-Jitender. In his statement Jitender has alleged that he is running chemist shop in Apex Hospital and Dr.Pawan Sharma is constructing house in front of the said Hospital. During construction of house often pieces of cement or bricks use to fall in neighbouring houses which were got cleaned up. On 17.02.2019 roof of above said house was made ready and thereafter labourers went to the roof of

Narender Dalal's house for clean up but Narender Dalal did not allow them to clean the same. The next day when the complainant was at his shop, Narender Dalal entered the hospital with a bucket full of garbage and spread the garbage in the waiting room of the hospital. On being asked not to do so, accused Narender Dalal brought another bucket full of garbage and spread the same. Accused-Narender Dalal threatened to kill the complainant and caught his neck. He tore his clothes and went away from there. On hearing noise, Narender, sweeper and other employees of the hospital also came there and the complainant told the entire incident to them. Thereafter, accused-Narender Dalal came again with bucket full of garbage. On being stopped by complainant, accused-Narender Dalal tangled his hand in his hand and twisted his fingers. Accused-Narender Dalal has caused injuries to the complainant and gave threat to harm his life and property.

The petitioner has filed the present petition for quashing of the FIR on the grounds that now with the intervention of respectables, the matter has been amicably compromised between the parties.

This Court while issuing notice of motion on 28.11.2019, passed the following order:-

“Learned Counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.58 dated 18.02.2019 registered under Sections 269, 323, 452 and 506 of the the Indian Penal Code, 1860 at Police Station Rohtak Civil Lines, District Rohtak and all subsequent proceedings arising therefrom.

Notice of motion for 09.01.2020.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, A.A.G. Haryana accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Deepak Girotra, Advocate has appeared and filed power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 03.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information :-

- 1. Number of persons arrayed as accused in 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. Current stage of the case.*

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

In terms of aforesaid order, learned Additional Chief Judicial Magistrate, Rohtak has recorded the statements of both the parties and submitted report dated 14.12.2019. The relevant part of the same reads as under:-

“ It is humbly submitted that as directed by Hon'ble High Court vide order dated 28.11.2019 passed in CRM No. M-50625-2019, this court recorded statements of complainant and accused. The information as sought from undersigned vide order dated 28.11.2019 by Hon'ble Mr. Justice Arun Kumar Tyagi, Judge,

Hon'ble Punjab & Haryana High Court is hereby detailed below

:-

(i) Number of persons arrayed as accused in FIR ?

One.

(ii) Whether any accused is proclaimed offender ?

No.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence ?

Yes.

(iv) Whether the accused persons are involved in any other case or not?

No.

(v) Current stage of the case?

The case is at this stage for prosecution evidence.

Original statements so recorded, report of I.O.

Concerned and copies of orders of court are attached herewith for kind perusal. ”

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondent No.2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of

matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to **Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) R.C.R. (Criminal) 1052; Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255.**

A perusal of the report of learned Additional Chief Judicial Magistrate, Rohtak clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Learned State Counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of the compromise effected between the parties in this case. The offences involved in the present case are overwhelmingly and predominantly of private/personal character. The parties have resolved their entire dispute among themselves. The case is at the stage of prosecution evidence. In view of the facts and circumstances of the case the possibility of conviction of the petitioners is very remote and bleak and continuation of this case will put the petitioners to great

oppression and extreme injustice would be caused to the petitioners if the FIR and all consequential proceedings are not quashed.

In view of the above discussion, FIR No.58 dated 18.02.2019 registered under Sections 269, 323, 452 and 506 of the IPC at Police Station Rohtak Civil Lines, District Rohtak (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

09.01.2020

Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No