

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

267

CRM-M-52275-2019

Date of decision: 12.02.2020

Mukesh Soni

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asst.AG Haryana
for respondent No.1.

Mr. Paramjit Jakhar, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Mukesh Soni** 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.110 dated 23.02.2019 registered under Sections 147, 188, 448, 506 and 511 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Model Town Rewari, District Rewari (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of compromise dated 20.11.2019 with complainant **Dr. Tara Saxena**.

The above said FIR was registered on complaint of Dr. Tara Saxena-respondent No. 2. In the complaint respondent No. 2-Dr. Tara Saxena alleged that she is owner in possession of the showroom situated at Maharana Pratap Chowk Bawal Road, Rewari along with her husband-Dr. S.S.Saxena. The above said showroom was under the tenancy of accused-Mukesh Soni. His ejectment from the same was ordered by the Court vide order dated 30.07.2018. Warrant of

possession was issued against him by the Court of Sh. Mohit Aggarwal, Civil Judge (Sr Division), Rewari vide order dated 22.02.2019 and in compliance thereof, the Bailiff of the Court had delivered the possession thereof to her and her husband. On 23.02.2019 at about 7.30 P.M. accused- Mukesh Soni along with 10-12 unknown persons came in two cars and forcefully entered into the showroom after opening the locks. On being informed by the Chowkidar she reached the spot on which accused-Mukesh Soni and his companions ran away from the spot while threatening to take possession of the showroom.

Accused Mukesh Soni 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 and they have resolved their differences.

Notice of the petition was given to the respondents vide order dated 07.12.2019.

Respondent No. 2 admitted the compromise on which this Court vide order dated 20.01.2020, directed the private parties to appear before the trial Court/Illaq Magistrate on 24.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 12.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate Ist Class, Rewari has recorded the statements of both the parties and submitted report dated 07.02.2020. The relevant part of the

same reads as under:-

".....In this regard, it is humbly submitted that there is one person namely Mukesh Soni and 10-12 other unknown persons are arrayed as accused in the FIR. As per police report accused is not a proclaimed offender and no other case is registered against the accused. Only FIR has been received in this case. Both the parties appeared on 24.01.2020 to get their statements recorded in compliance with order dated 20.01.2020 passed by Hon'ble High Court. The parties stated that they have compromised the matter in dispute without any pressure, voluntarily and without any influence with anybody. Their statement which included terms of compromise was reduced to writing.

In view of the statement of the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise is genuine....."

Reply by way of affidavit of Sh. Hansraj, H.P.S., Deputy Superintendent of Police, Headquarters, District Rewari was filed on behalf of respondent No. 1-State. In the reply it has been submitted that the offences are not private in nature and are non compoundable. Therefore, the petition may be dismissed.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for respondent No.2 who have reiterated their respective stands. I have also 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 ***Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.***

A perusal of the report of learned Judicial Magistrate Ist Class, Rewari clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

The offences involved in present case are overwhelmingly and predominantly of private/personal character. The parties have resolved their entire dispute among themselves. The compromise has

been arrived at between the parties at the initial stage.

In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above discussion, FIR No.110 dated 23.02.2019 registered under Sections 147, 188, 448, 506 and 511 read with Section 149 of the IPC at Police Station Model Town Rewari, District Rewari (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom qua the petitioner as well as all the unknown persons alleged to have accompanied him.

The petition is allowed accordingly.

12.02.2020

rajeev(rvs)

(ARUN KUMAR TYAGI)
JUDGE

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