

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

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**CRM-M-35104-2021
Date of Decision: 09.11.2021**

ANIK CHOUHAN

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Virender Soni, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Pardeep Kumar, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is a petition filed under Section 482 Cr.P.C. seeking quashing of FIR No.123 dated 14.06.2019 under Sections 323, 324 and 506 IPC registered at Police Station Sector-14, Panchkula, District Panchkula and all other consequential proceedings arising therefrom, on the basis of compromise dated 24.08.2021 (Annexure- P/2) arrived at between petitioner and respondents No.2 and 3.

Vide order dated 27.08.2021, this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 06.09.2021 for getting their statements recorded with regard to the compromise and further directed to the Illaqa Magistrate/Trial Court to submit its report.

An extract of the order passed by this Court on 27.08.2021 is reproduced as under:

“In the meanwhile, parties would appear before the Illaqa Magistrate on 06.09.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

Pursuant to the directions above, the report bearing No. 1614 dated 22.09.2021 has been submitted by Judicial Magistrate First Class, Panchkula and its operative part reads as under:-

“Complainant namely Jay Chauhan i.e. respondent No.3 before the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-35104-2021 has suffered a statement that he out of his free will and without any pressure has entered into a compromise with accused Anik Chouhan in the present FIR i.e. FIR No.123 dated 14.06.2019, registered under Sections 323, 324, 506 of IPC, at PS. Sector 14, PKL, vide compromise Ex.C1, and he would abide by the terms of the compromise and he has no objection in case FIR is quashed.

Accused namely Anik Chouhan i.e. petitioner before Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-35104-2021 also suffered a statement to the effect that he has entered into a compromise with complainant Shikha Chouhan and Jay Chouhan, vide compromise deed Ex.C1 and the said compromise is a result of his free will. Further he stated that he has entered into compromise without any pressure and undue influence. Further he stated that he is the only accused in

the present case he has never been declared proclaimed person/offender.

From the statements of the parties it appears that they have genuinely compromised the matter, and the compromise is result of their free will and violation. Further from the statement of the parties and a separate statement of the IO to this effect it is clear that there is only one accused in the present case and the said accused is not a proclaimed offender. It is made clear that the present case is at the stage of prosecution evidence.”

It is thus, apparent that the parties have undertaken the compromise out of their own free will without any influence or coercion. The settlement is genuine.

The Hon'ble Full Bench of this Court in case **Kulwinder Singh Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** and Hon'ble Division Bench of this Court in case **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

An identical question came to be decided by Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543**. Having interpreted the relevant provisions, it was ruled as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory

limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

The same view has been reiterated by the Apex Court in case Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482.

Having regard to the contentions of learned counsel for the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 482 Cr.P.C. has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest of justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are *ad idem* that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

In view of above, the instant petition is accepted. Consequently, FIR No.123 dated 14.06.2019 under Sections 323, 324 and 506 IPC registered at Police Station Sector-14, Panchkula, District Panchkula and all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, qua petitioner only.

(VINOD S. BHARDWAJ)
JUDGE

09.11.2021
Vishal sharma

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No