

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

CRM-M-44676-2021

Date of decision-28.10.2021

Nazar and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Grover, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 482 Cr.P.C for quashing of FIR No.182 dated 23.11.2013 (Annexure P-1) registered under Sections 148, 149, 365 and 377 Indian Penal Code, 1860 at Police Station Nagina, District Mewat as well as protest petition filed by the complainant on the basis of compromise deed (Annexure P-2).

Learned counsel for the petitioners contends that the parties are closely related and during the pendency of the petition, they have arrived at a compromise and the dispute has been amicably settled. The compromise is appended as Annexure P-2. Further, he prays that the prosecution of the petitioners arising from a protest petition filed in FIR be quashed. In support of his prayer, he has relied upon the judgment delivered by Hon'ble Supreme Court in “Ram Gopal Vs. State of

Madhya Pradesh”, LL 2021 SC 516.

During the course of hearing, it is not disputed by learned counsel that petitioner Nos.2 to 7 were proclaimed offenders and they were granted bail by Additional Sessions Judge, Nuh, but in a petition bearing No. CRM-M-21334-2020 filed by complainant (Akhtar-respondent No.2), petitioner Nos.2 to 7 were directed to surrender before the trial Court. He fairly states that the decision of this Court has not been complied with as the petitioners have not surrendered so far as they have arrived at a compromise.

After hearing learned counsel for the petitioners and considering the above background, this Court is of the opinion that the offences allegedly committed by the accused are serious and therefore, compromise between the parties is insignificant. In this regard, reference can be made to decision in “**The State of Madhya Pradesh Vs. Laxmi Narayan and others**”, 2019 AIR (SC) 1296, wherein the Hon'ble Supreme Court has laid down the principles for quashing of the criminal proceedings in non-compoundable offences by exercising inherent powers under Section 482 Cr.P.C. The relevant portion of the judgment is extracted below:

“However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 of the Cr.P.C., 1973 from the impugned judgment and order, it appears that the High Court has not at all considered the relevant facts and circumstances of

*the case, more particularly the seriousness of the offences and its social impact. From the impugned judgment and order passed by the High Court, it appears that the High Court has mechanically quashed the FIR, in exercise of its powers under Section 482 Cr.P.C., 1973 the High Court has not at all considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this Court in the case of **State of Maharashtra v. Vikram Anantrai Doshi, 2014 (4) R.C.R. (Criminal) 381: (2014) 15 SCC 29**, the Court's principal duty, while exercising the powers under Section 482 Cr.P.C., 1973 to quash the criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence."*

In the case of **Gian Singh V. State of Punjab 2012(4)**

R.C.R. (Criminal) 543: (2012) 10 SCC 303, the Apex Court has observed and held as under:

"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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences."

From the aforesaid observations of Hon'ble the Apex Court, it is apparent that the offences with serious magnitude and gravity, having a serious impact on the society, have been excluded from the purview of powers to be exercised under Section 482 Cr.P.C.

Apart from it, petitioner Nos.2 to 7 have not surrendered before the trial Court in compliance of the directions given by this Court vide order dated 09.08.2021, therefore, this Court is not inclined to exercise powers under Section 482 Cr.P.C for quashing of the FIR on the sole ground of compromise.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.10.2021

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