

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

CRM-M-6695-2021

Date of decision : 29.09.2022

Amrik Singh

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.
for respondent No.1/State

Mr. Ankit Aggarwal, Advocate
for respondent No.2/complainant.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.113, dated 07.07.2020, registered for the offences punishable under Sections 406, 420, 506 of the Indian Penal Code, 1860 and u/s 24 of Immigration Act, at Police Station Kunjpura, Karnal (Annexure P-1) on the basis of compromise.

2. On 12.02.2021, the following order was passed:-

“By filing this petition, quashing of FIR No.113 dated 07.07.2020 under Sections 406, 420 and 506 IPC and Section 24 of Immigration Act registered at Police Station Kunjpura District Karnal and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Tapan Kumar, DAG, Haryana and Sh. Parveen, Advocate, accepts notice on behalf of respondent No.1-State & respondent No.2 respectively.

Parties may appear before concerned trial Court/Illaq Magistrate/Duty Magistrate on 17.03.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 29.04.2021. ”

3. Pursuant to the aforesaid order, report from Addl. District & Sessions Judge, Karnal dated 16.04.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“5. The report as desired by the Hon'ble High Court is hereby submitted as follows:-

- i) As per the statement of complainant/victim Nirmal Singh, the parties have made compromise without any coercion or undue influence and thus, the compromise is genuine and voluntary in nature.
- ii) In the present FIR, accused Amrik Singh is the only accused, who is on bail and appearing in

the court.

- iii) Accused Amrik Singh is also involved in 18 other cases of similar nature of different police stations, details of which are given in the above para.

6. As per above statements made by the complainant and the accused before this Court, it appears that compromise is genuine and voluntarily effected between the parties. ”

4. Mr. Ankit Aggarwal, Advocate appears for respondent No.2 and admits the fact 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 Ld. State Counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

7. After considering judgment rendered by the Apex Court in **Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, 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 Apex Court and this

Court is :

- (a) Power u/s 482 Cr.P.C. vested with this Court is not affected 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 Cr.P.C. to quash the FIR as :-

- (i) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra).
- (ii) The offences are 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 has entered into compromise on his own volition.

9. Consequently, the petition is allowed. FIR No.113, dated 07.07.2020, registered for the offences punishable under Sections 406, 420, 506 of the Indian Penal Code, 1860 and u/s 24 of Immigration Act, at Police Station Kunjpura, Karnal (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

September 29, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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