

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24249-2021

Date of decision : 27.09.2022

Damanjit Singh Uberoi

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. M.S. Dua, Advocate for
Mr. Prince Srangal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Siddharth Sandhu, Advocate for
Mr. Shubham Bhalla, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.0092 dated 20.03.2019, registered for the offences punishable under Sections 120-B, 420, 467, 468 and 471 of the IPC at Police Station Sector-56, District Gurugram on the basis of compromise.

2. On 13.10.2021, the following order was passed:-

“Heard through video conferencing.

Mr. Shubham Bhalla, Advocate has put in appearance on behalf of complainant/respondent no.2.

Service is complete.

Reply by way of an affidavit of Assistant Commissioner of Police, Sadar, Gurugram has been filed on behalf of respondent No.1-State, which is taken on record.

Copy be supplied to counsel representing the parties.

Counsel representing the petitioner and complainant/respondent No.2 are ad idem that there is a possibility of settlement between the parties, for which purpose the matter may be referred to the Mediation and Conciliation Centre of this Court.

Ordered accordingly.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 27.10.2021.

List on 21.01.2022.

Mediator is requested to sent his/her report before the next date of hearing.”

3. Pursuant to the aforesaid order, report from the Mediation & Conciliation Centre has been received, which is taken on record. As per the same, the parties have resiled their differences and the settlement has been reduced in writing on 06.12.2021.

4. Mr. Siddharth Sandhu, Advocate for Mr. Shubham Bhalla, Advocate appears for respondent No.2 stands by the said settlement and has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard learned 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.0092 dated 20.03.2019, registered for the offences punishable under Sections 120-B, 420, 467, 468 and 471 of the IPC at Police Station Sector-56, District Gurugram and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable : No