

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

CRM-M-24196-2022

Date of decision : 14.10.2022

Mohan Lal and others

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ravinder Chaudhary, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana
for respondent No.1-State

Ms. Aarti Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.198, dated 20.05.2022 registered for the offences punishable under Sections 148, 149, 323, 506 of the IPC, at Police Station Butana, District Karnal (Annexure P-1) on the basis of compromise.

2. On 30.05.2022, the following order was passed:-

“Notice of motion.

Mr.Sumit Jain, Addl.A.G., Haryana and Ms.Aarti Sharma, Advocate, accept notice on behalf of respondent No.1 and respondent No.2 respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482

Cr.P.C. the petitioners seek quashing of FIR No.198 dated 20.05.2022 registered under Sections 148, 149, 323 and 506 IPC at Police Station Butana, District Karnal on the strength of a written compromise dated 22.05.2022 (Annexure P-2) entered into between the parties.

The petitioners as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 11.07.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/ Trial Court adjourned to 28.09.2022. ”

3. Pursuant to the aforesaid order, report from Judicial Magistrate 1st Class, Karnal dated 16.07.2022 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“Today accused Mohan, Rahul, Vikram appeared in Court along-with Sachin Kumar and made separate statement to the effect that the matter has been compromised with Jitender Jitender Rana, no dispute remains between them, the compromise is voluntary, the case may be finished. The complainant Jitender Rana appeared in person and made statement that the matter has been compromised with Mohal Lal, Rahul, Vikram Singh, Sachin Kumar, no dispute remains between them, the

compromise is voluntary, without any pressure, there is no objection if the case may be finished. The investigation officer appeared in Court and made statement that (i) there are three accused persons in this case-Mohan, Rahul, Vikram in the instant FIR. (ii) none of them has been declared offender/offenders. (iii) there is one complainant Jitender Rana. (iv) there is no other FIR pending against accused persons. The compromise between the parties is genuine, voluntary, without any undue influence. The original statement of the complainant, accused-persons, statement of investigation officer, copy of daily order passed today are annexed herewith for kind perusal of the Hon'ble High Court. ”

4. Ld. Counsel appearing for respondent No.2 admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners 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.198, dated 20.05.2022 registered for the offences punishable under Sections 148, 149, 323, 506 of the IPC, at Police Station Butana, District Karnal (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

October 14, 2022

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No