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

**CRM-M-42556-2022**

**Date of decision : 15.12.2022**

Vinod Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Gaurav Sharma, Advocate  
for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Dy. Advocate General, Haryana  
for respondent No.1-State.

Ms. Narender Kaur, Advocate for  
Mr. Abhijeet Sharma, Advocate  
for respondent No.2.

**PANKAJ JAIN, J. (ORAL)**

By way of present petition, the petitioner is seeking quashing of FIR No.0010 dated 08.01.2022, registered for offence punishable under Section 381 of IPC at Police Station Ambala Sadar (Annexure P-1) on the basis of compromise.

2. On 15.09.2022, the following order was passed :-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioner facing trial in FIR No.0010 dated 08.01.2022, registered for offences punishable under Section 381 of IPC at Police Station Ambala Sadar.

Learned counsel for the petitioner contends that the matter already stands compromised vide compromise deed dated 06.09.2022 (Annexure P-2).

Notice of motion for 15.12.2022.

On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, who is present in Court accepts notice on behalf of the respondent-State.

Mr. Abhijeet Sharma, Advocate appears on behalf of respondent No.2 and admits the fact of there being compromise between the parties.

In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on 10.10.2022.

On their doing so, the learned Illaqa Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?
4. Whether the accused persons are involved in any other case or not?
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter. ”

3. Pursuant to the aforesaid order, report from JMIC, Ambala dated 12.10.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“In compliance of order dated 15.09.2022 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh Saurabh Sharma,

complainant and Vinod Kumar, accused appeared before the Court for recording their respective statements regarding compromise. Saurabh Sharma, complainant and Vinod Kumar, accused appeared before the the Court for recording their respective statements regarding compromise Saurabh Sharma, complainant made statement, duly identified by his counsel, that matter has been compromised with the accused. He further stated that compromise was effected without any pressure and at his sweet will. Now he has no objection if the present case/FIR is quashed. On the other hand, accused Vinod Kumar made statement, duly identified by his counsel, that compromise has been effected with the complainant and matter has been settled with the complainant without any fear or pressure and there is no ill will between the parties.

2. In view of the statements of the parties, duly identified by their respective counsel, it appeared that the parties have entered into compromise and the said compromise has been arrived at between the parties without any kind of pressure, coercion, and at their sweet will. As such, compromise in question is found to be a valid and genuine compromise and has been effected between the parties voluntarily without there being any kind of coercion or undue influence.

3. It is further respectfully submitted that status report of present case was called from concerned IO/SHO, P.S. Ambala Sadar, Ambala and which makes it transpired that the present FIR has been registered against accused Vinod Kumar, on the complaint of Saurabh, complainant victim. It is further respectfully submitted that no accused was declared proclaimed offender/person in the present case, no other case is pending against the present accused and there is one victim/complainant in the present case. Accused is not involved in any other case.”

4. Ld. Counsel appearing for respondent No.2 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 29<sup>th</sup> 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.0010 dated 08.01.2022, registered for offence punishable under Section 381 of IPC at Police Station Ambala Sadar (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

**December 15, 2022**

**Dpr**

**(PANKAJ JAIN)**

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No