

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48609-2021

Date of decision : 10.10.2022

Suman and others

..... Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Parveen Sharma, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vishal Goel, Advocate
for respondents No.2 to 7.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.572 dated 22.08.2021, registered for the offences punishable under Sections 148, 149, 323 and 506 of IPC, at Police Station Assandh, District Karnal, on the basis of compromise dated 02.11.2021 (Annexure P-3).

2. On 14.03.2022, the following order was passed:-

“CRM-8419-2022

Prayer in the instant application is for preponement of the main petition, which is fixed for 10.10.2022.

For the reasons mentioned in the application, the same is allowed and accordingly, the main petition is preponed to today itself.

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As per report received from learned SDJM, Assandh, statements of all the accused persons and

also that of all respondents have not been recorded.

Learned counsel for the parties request for another opportunity to appear before learned trial Court to get the statements of rest of the accused/respondents recorded with regard to the compromise.

The said request is acceded to.

Parties are directed to appear before trial Court/Illaq Magistrate on 24.03.2022 for recording their statements with regard to the genuineness and authenticity of compromise/settlement and trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 10.10.2022 containing the information as sought vide order dated 23.11.2021.”

3. Pursuant to the aforesaid order, report from SDJM, Assandh dated 27.09.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

It is submitted that in view of the statements given by accused Suman, Bimla, Anita in the Court on 1.12.2021, statement given by complainant Vikas, aggrieved persons, namely, Pawan, Kamla, Sultan, Chander Singh and statement given by the accused Joginder, Bijender and Asha Ram in the Court on 24.3.2022, it appears that the compromise has been entered into voluntarily and without any pressure or influence from any side.”

4. Mr. Vishal Goel, Advocate, appears for respondents No.2 to 7 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 petitioners 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.572 dated 22.08.2021, registered for the offences punishable under Sections 148,

149, 323 and 506 of IPC, at Police Station Assandh, District Karnal and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

10.10.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No