

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

272

CRM-M-7377-2023

Date of decision : 18.07.2023

Labh Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Arnav Kumar, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Anmol Verma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., the petitioner is seeking quashing of FIR No.77 dated 21.02.2019, registered for offences punishable under Sections 323, 34 and 506 of IPC, at Police Station Pundari, District Kaithal on the basis of compromise deed dated 05.03.2019 (Annexure P-2).

2. On 21.03.2023, the following order was passed:-

“Prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No.77 dated 21.02.2019 (Annexure P-1) under Sections 323, 34 and 506 of IPC to which registered at Police Station, Pundari, District Kaithal along with all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion.

2023:PHHC:092818

Mr. Sumit Jain, Addl. A.G., Haryana who is present in Court, accepts notice on behalf of the respondent-State, whereas Mr. Anmol Verma, Advocate accepts notice on behalf of complainant-respondent No.2 and files his Power of Attorney. The same is taken on record. Be tagged at appropriate place.

Adjourned to 03.05.2023.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court on 17.04.2023 or any other date convenient to the court, which shall record their statements and send a report to this Court to the effect as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 03.07.2023 from District and Sessions Judge, Kaithal has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

Statement of accused Labh Singh son of Late Shri Jogi Ram and statement of complainant namely Saraswati daughter Late Sh. Pritam Singh are being sent for kind perusal of Hon’ble Punjab & Haryana High Court, Chandigarh.

It is further humbly submitted that this Court is of the view that the parties have voluntarily entered into compromise with their free will and without any undue influence, threat, fear or coercion. This court is also of the view that compromise has been entered genuinely, without any misrepresentation and fraud and it has found to be valid.”

4. Mr. Anmol Verma, 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. 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.

2023:PHHC:092818

- (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.77 dated 21.02.2019, registered for offences punishable under Sections 323, 34 and 506 of IPC, at Police Station Pundari, District Kaithal and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

18.07.2023
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No