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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 13.09.2023

1. CRM-M-7554-2023

NARENDRA KHILLAN @ NARINDER KHILLANPetitioner

Versus

STATE OF HARYANA AND ANOTHER ...Respondents

2. CRM-M-11882-2023

AKASH BHALLA AND ANOTHERPetitioners

Versus

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Karan Vir Nanda, Advocate
for the petitioner(s) (in both cases).

Mr. R.K. Ambavta, AAG, Haryana.

Mr. Varun Gupta, Advocate for
Mr. Ashish Gupta, Advocate
for respondent No.2 (in both cases).

PANKAJ JAIN, J. (ORAL)

This order shall dispose off the afore-captioned petitions filed under Section 482 Cr.P.C. The petitioners herein are seeking quashing of FIR No.0412, dated 10.09.2022 registered for the offences punishable under Sections 120-B, 384, 406, 420, 467, 468, 471, 506 IPC, at Police

Station Sector-5, Panchkula (Annexure P-1) on the basis of compromise.

2. On 13th of February, 2023 (in CRM-M-7554-2023) and 10th of March, 2023 (in CRM-M-11882-2023) the parties were directed to appear before the Trial Court/Area Magistrate for recording of their statements *qua* compromise.

3. On 15th of May, 2023 (in CRM-M-7554-2023) as sought for by counsel for the petitioner, another opportunity was granted for recording of statements.

4. Pursuant to the aforesaid orders, respective reports from CJM, Panchkula (in both the petitions) have been received, which are taken on record. As per the reports, Ld. CJM has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. The accused/petitioners to the present *lis* have not been declared as Proclaimed Offender. Challan has not been presented till date.

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 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.0412, dated 10.09.2022 registered for the offences punishable under Sections 120-B,

384, 406, 420, 467, 468, 471, 506 IPC, at Police Station Sector-5, Panchkula (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

10. A copy of this order be kept on the file of other connected case.

September 13, 2023
Dpr (PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No