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

**CRM-M-12223-2023
Date of decision : 12.10.2023**

MANISHA AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ravinder Rana, Advocate for the petitioner.

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

Mr. Mayank Garg, Advcoate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.155, dated 18.04.2022, under Sections 147, 149, 323,341, 427, 506 of IPC registered at Police Station City Jhajjar, District Jhajjar (Annexure P-1) on the basis of compromise.

2. On 11.05.2023, the following order was passed :-

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.155, dated 18.04.2022, under Sections 147, 149, 323,341, 427, 506 of IPC registered at Police Station City Jhajjar, District Jhajjar along with all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties. Notice of motion. At the asking of the Court, Mr. R.S. Nain, DAG, Haryana, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him during the course of the day. Mr. Mayank Garg,

Advocate has appeared on behalf of complainant seeks time to file vakalatnama in the Registry. He affirmed the factum of compromise between the parties. Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof.

Trial Court is directed to report on the following points:-

(i) how many total accused are facing the trial;(ii) whether challan is presented in the Court? If so, against how many accused;(iii) whether any of the accused was declared proclaimed offender at any stage of trial; (iv) status/stage of the trial/case; (v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise; (vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 27.07.2023.”

3. Pursuant to the aforesaid order, detailed report from CJM, Jhajjar dated 08.09.2023 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“Firstly, in respect of **fifth information** as sought by the Hon'ble High Court i.e. whether the compromise is genuine, voluntarily and without any coercion or undue influence, it is submitted that in pursuance of the directions given by the Hon'ble High Court, the accused namely Manisha, Kavita, Deepak, Mukesh and Mohit (Petitioners before the Hon'ble High Court) as well as the complainant Vijayant Jakhar (respondent No.2 before the Hon'ble High Court) appeared before this court in person on 22.08.2023. Being satisfied that the statements were

being voluntarily made, statement of both the concerned parties were recorded on oath. Complainant Vijayant Jakhar stated on oath that the matter has been compromised with accused, as per compromise (Ex.C1). He also stated that the compromise has been arrived between him and the accused voluntarily and without any pressure. He has also stated that he has no objection if the present FIR is quashed against the accused persons. On the other hand, accused Manisha, Kavita, Deepak, Mukesh and Mohit have suffered a joint statement that the matter has been compromised with the complainant as per compromise (Ex.CI). They have also stated that the compromise has been arrived between them and the complainant party voluntarily and without any pressure. They also prayed that the present FIR be quashed against them. Both the concerned parties also placed on record the settlement/compromise (Ex.C1).

In view of the statement of interested parties, this court is satisfied that they have compromised the matter amongst themselves voluntarily and without any pressure and complainant has no objection, if the present proceedings are dropped against the accused persons.

As far as the information as sought by the Hon'ble High Court **under point i to iv**, it is submitted that in the present case only five persons namely Manisha, Kavita, Deepak, Mukesh and Mohit (petitioners' before the Hon'ble High Court) have been booked as accused and no proclamation proceedings are pending against any of the above said persons. It is further submitted that in this case, challan has already been submitted against the aforesaid accused persons and at present, the case is fixed for consideration on charge.

It is further respectfully submitted that in pursuance of direction of Hon'ble High Court, the statement of I.O. has also been recorded with regard to **points No. i to iv** and in his statement, he has stated that in the present case there are five accused persons; that challan against all the accused has already been filed; that in the present case, no accused has been declared

as proclaimed person and that at present the case is fixed for consideration on charge.

Statement of the interested parties in original dated 22.08.2023 compromise (Ex.C1), and statement of Investigating Officer dated 08.09.2023 in original are enclosed herewith.”

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 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.155, dated 18.04.2022, under Sections 147, 149, 323,341, 427, 506 of IPC registered at Police Station City Jhajjar, District Jhajjar (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

October 12, 2023
Dpr

(Pankaj Jain)
Judge

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