

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17057 of 2022 (O&M)
Date of decision : 13.12.2023

Ishwarjot & anr.

....Petitioners

Versus

State of Haryana & ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Iqbaldeep Singh, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jagjit Singh, Advocate for
Mr. Gourav Jain, Advocate
for respondents No.2 to 4.

PANKAJ JAIN, J. (ORAL)

1. By way of present petition, the petitioners are seeking quashing of FIR No.442 dated 22.10.2018 registered under Sections 323, 34, 452, 506 of the Indian Penal Code, 1860 in Police Station City Tohana, District Fatehabad on the basis of compromise.

2. On 20.09.2023, the following order was passed :-

“On 26.04.2022, the following order was passed :-

“Prayer in this petition under Section 482 of the the Code of Criminal Procedure, 1973 is for quashing of FIR No.442 dated 22.10.2018 registered under Sections 323, 34, 452, 506 of the Indian Penal Code, 1860 in Police Station City Tohana, District Fatehabad with all consequential proceedings arising therefrom in view of the compromise dated 05.03.2021 (Annexure P-2) arrived at between the

It is further submitted by the Sh. Rajbir Singh, HC, No. 172, P.S. City Tohana that there are only two accused, one complainant and four victims in this case and accused namely Ishwarjot was also involved in another case, but now has been acquitted in that case. He further stated that accused namely Sukhjinder Singh is not involved in any other case and both the accused have never been declared proclaimed person in any case as per record.

5. So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any threat or pressure from either of the sides and is a valid compromise.”

4. Learned counsel for respondents No.2 to 4 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 dated 05.03.2021 (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 Cr.P.C. to quash proceedings in non-compoundable offences in the cases of ***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 much wider and is unaffected 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) i.e. heinous offence.*
- (ii) *The offences alleged 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 is reported to have entered into compromise on his own volition.*

9. Consequently, the petition is allowed. FIR No.442 dated 22.10.2018 registered under Sections 323, 34, 452, 506 of the Indian Penal Code, 1860 in Police Station City Tohana, District Fatehabad and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

13.12.2023
Pooja sharma-I

(PANKAJ JAIN)
JUDGE

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