

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

279

CRM-M-16563-2023 (O&M)  
Date of decision: 18.07.2023

DEEPAK @ BABLU

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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Present : Ms. Rajni Bala Rohila, Advocate for  
Mr. Shokeen Singh Verma, Advocate for the petitioner.

Ms. Suman Devi, Advocate for  
Ms. Gurmeet Kaur, Advocate  
for respondent No.2.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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PANKAJ JAIN. J.(Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.216 dated 30.08.2021 registered for the offences punishable under Sections 323, 324, 147 and 149 of Indian Penal Code (later on added Section 325 IPC) at Police Station Dadri City, District Charkhi Dadri on the basis of compromise dated 20.03.2023 (Annexure P-2).

2. On 10.04.2023, the following order was passed :

*“Notice of motion.*

*Mr. Viney Phogat, Deputy Advocate General, Haryana accepts notice on behalf of respondent no.1 and Ms.Gurmeet Kaur, Advocate accepts notice for respondent no.2.*

*Learned counsel for the petitioner undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the*

day.

*Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.216 dated 30.08.2021 under Sections 323, 324, 147 and 149 IPC (later on added Section 325 IPC) registered at Police Station Dadri City, district Charkhi Dadri on the strength of a written compromise dated 20.03.2023 (Annexure P2) entered into between the parties.*

*The petitioner as also respondent no.2 through their counsel are directed to appear before the Illaqa Magistrate/ Trial Court on 26.04.2023 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.*

*The Illaqa Magistrate/ Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.*

*To await the report of the Illaqa Magistrate/ Trial Court adjourned to 18.07.2023.”*

3. Pursuant to the aforesaid order, report from Chief Judicial Magistrate, Charkhi Dadri dated 19.05.2023 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“His report was received on 16.05.2023. In these circumstances, the requisite report is submitted here as under:*

*(i) Keeping in view the statements of petitioner Deepak @ Bablu Sheoran and respondent No.2 Sunita Devi wife of Suresh Sheoran, this Court is of the considered opinion that they have voluntarily entered into a compromise and it appears to be genuine.*

*(ii) Keeping in view the final report and the report of PSI Harender, there is only one*

*accused, namely Deepak @ Bablu son of Azad Singh, resident of Ward No.16, Near Dera Wali Dharamshala, Charkhi Dadri in present case and he has entered into the compromise.*

*(iii) As per the final report, statement of accused Deepak @ Bablu Sheoran and report of PSI Harender, accused Deepak @ Bablu Sheoran has not been declared proclaimed in any other case.*

*(iv) As per the report of PSI Harender, FIR No.224 dated 27.07.2022, under Section 323, 452 and 506 read with Section 34 of Indian Penal Code, 1860 (in short IPC), P.S. City Dadri is also registered against accused Deepak @ Bablu Sheoran.”*

4. Learned counsel 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 petitioner is quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise dated 20.03.2023 (Annexure P-2).

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 29<sup>th</sup> 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.216 dated 30.08.2021 registered for the offences punishable under Sections 323, 324, 147 and 149 of Indian Penal Code (later on added Section 325 IPC) at Police Station Dadri City, District Charkhi Dadri on the basis of compromise dated 20.03.2023 (Annexure P-2) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

(PANKAJ JAIN)  
JUDGE

July 18, 2023  
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No