

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

CRM-M-14957 of 2019

DATE OF DECISION :- 20.09.2023

Vikram Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Ravinder Bangar, Advocate for respondent No. 2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No. 0022 dated 8.2.2018 registered for the offence punishable under Sections 406,420,467,468,471 of the Indian Penal Code, at Police Station Radaur, District Yamuna Nagar on the basis of compromise dated 22.3.2019.

2. On 18.2.2020 the following order was passed:-

“This is a petition for quashing of FIR on the basis of compromise. Mr. Naveen Kumar, Advocate for Mr. Pankaj Kumar, has appeared on behalf of respondent No.2 by filing vakalatnama, which be taken on record. He admits the factum of compromise between the parties. It is stated that the challan has been filed, though charge is yet to be framed. Under the circumstances, the parties are directed to appear before learned trial Court within one month from today and the trial Court is to record the statements of the affected persons i.e. complainant and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The

trial Court is also to report whether any of the parties has been declared as proclaimed offenders. Report be submitted to this Court by the next date of hearing fixed as 29.04.2020. The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard.”

3. Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Yamuna Nagar dated 20.5.2020 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“i) In the present case complainant Gurmeet Singh and accused Vikram Singh have appeared before the court of undersigned on 6-3-2020 and got recorded their separate statements. Statement of complainant is Annexure-I and statement of accused is Annexure-II (Annexed herewith in original).

As per statement of complainant matter between the complainant and accused has been compromised without any pressure or fear and compromise has been effected voluntarily without any threat or coercion. It has been stated by the complainant that he has no objection if the FIR is quashed. In the similar manner, accused has given statement that matter between them has been compromised without any pressure or fear. He has also stated that compromise has been effected voluntarily without any threat or coercion. From the statements of complainant and accused, it appears that matter between both the parties has been compromised voluntarily without any pressure of any kind from any corner and compromise effected between them is genuine one.

It is further to be noted that complainant was identified by Shri Abhishek, Advocate and accused was identified by Shri Amit Kumar, Advocate. Had there been any pressure of any kind on any of the persons, who had given statements before this court, then he could bring notice of this court about that

fact, but none of the persons, who had given statements on 6-3-2020 had stated that he was under pressure of any kind. Had the complainant or accused been under any pressure and had they been hesitant to bring to the notice about this fact to this court, they could at least bring to the notice (about the pressure) to their respective counsels, but even the respective counsels of both the parties have not stated before this court that any of the persons/party is under pressure of any kind.

In these circumstances, it is concluded that the statements of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is voluntarily without any threat or coercion and is valid one.

ii) In the abovesaid FIR, ASI Darshan Singh has appeared and suffered a statement that ASI Gurbax Singh IO of the present case has been transferred from PS Radaur and as per record of police station, in the present FIR, none of the party has been declared as proclaimed offender. Statement of IO is Annexure-III (Annexed herewith in original). As per statement of ASI Darshan Singh, any of the parties has not been declared as proclaimed offender.”

4. Mr. Ravinder Bangar, 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.
- (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. 0022 dated 8.2.2018 registered for the offence punishable under Sections 406,420,467,468,471 of the Indian Penal Code, at Police Station Radaur, District Yamuna Nagar and all proceedings arising therefrom, are, hereby quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

20.09.2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No