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

CRM-M-24742-2023 (O&M)

Date of decision : 12.10.2023

Ajay Kumar and others

... Petitioner(s)

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldeep Sharma, Advocate,
for Mr. Anas Ahmed, Advocate,
for the petitioners.

Mr. Ashok S. Chaudhry, Addl.A.G., Haryana.

Ms. Neha Rana, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.155 dated 29.03.2023 (**P-1**), under Sections 323, 325, 427, 452, 506 & 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station, Jind City, along with all consequential proceedings arising therefrom on the basis of compromise dated 01.05.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No1.

2. Allegations are that the petitioners attacked the complainant and caused injuries to him.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 16.05.2023, passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.155, dated 29.03.2023, registered under Sections 323, 325, 427, 452, 506 and 34 IPC, Police Station Jind City, District Jind, along with other consequential proceedings arising therefrom, on the basis of the compromise dated 01.05.2023, Annexure P-2.

It has been argued by learned counsel for the petitioners that the parties have compromised the matter and as such, prosecution of the petitioners would be nothing but an abuse of the process of the Court and hence the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Mr.B.S.Virk, Sr.DAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1 and Ms.Neha Rana, Advocate, accepts notice on behalf of respondent No.2 and endorses the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 02.08.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa Magistrate/Duty Magistrate on 30.05.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 02.06.2023 has been submitted in this regard by learned Chief Judicial Magistrate, Jind. The operative part of the same reads as under:-

“As per the statements of complainant and accused, it is established that complainant & the accused settled their dispute amicably and voluntarily and there is no pressure, threat or coercion upon the complainant.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, submitted that after investigation, cancellation report has already been submitted by the Police. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. The Hon’ble Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder,

rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

9. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs.20,000/- (Rs. 5,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

12.10.2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>