

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

CRM-M No.38358-2023

Date of decision: 16.11.2023

Ankit and others

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhanu Chaudhary, Advocate for the petitioners.

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

Ms. Ekta Chauhan, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No. 98 dated 01.04.2021 under Sections 323, 34, 341, 506 of the Indian Penal Code, 1860, registered at Police Station Sirsa Sadar, District Sirsa, Haryana along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.03.2023 (P-2), entered into between the parties.

(2) FIR was registered on the basis of statement of complainant against the against the petitioners with the allegations that the petitioners in connivance with each other attacked and inflicted injuries to the respondent No.2. On the basis of the above allegations, the present FIR was registered against the petitioners.

(3) This Court, while issuing notice of motion on 07.08.2023, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) On the asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of respondent No. 1/State.

- (4) *Mr. Rahul Bansal, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No. 2. The same is taken on record. He acknowledged the factum of compromise dated 11.03.2023 (P-2) arrived at between the parties at their own level.*
- (5) *Requisite number of copies of the petition be supplied to learned Counsel for the respondent during the course of day.*
- (6) *Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.*
- (7) *In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 23.08.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.*
- (8) *Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*
- (i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*
 - (ii) Whether the compromise effected between the parties is genuine and valid?*
 - (iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
 - (iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
 - (v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
 - (vi) Whether any of the petitioner(s) is/are previous convict or not?*
- (9) *List before this Court on 27.09.2023 for further consideration.*
- (10) *Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*
- (11) *Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Sirsa and submitted a report dated 24.08.2023. The operative part of the same reads as under:-

“The report is submitted as under:

Complainant party namely Jakir Husain & Yunas, resident of Nohar (Rajasthan) have got recorded their statement separately to the effect that the matter has been compromised with accused persons with his free consent in case FIR No. 98 dated 01.04.2021.

Accused Ankit son of Devi Lal, resident of Dhukra, Sirsa, Vikas son of Rajender Singh, resident of Dhukra, Sirsa and Vinod son of Jagdish, resident of Dhukra, Sirsa have made joint statement to the effect that the matter has been compromised with complainant and except the present case there is no other case is pending against them. They further stated that they were never declared proclaimed offender nor any proceeding was initiated against them.

Statement of Investigation Officer EASI/HC Sharwan Kumar, No. 1135 P.P. Chautala, P.S. Sadar Dabwali was recorded to the

effect that except the present case there is no other case was registered against above mentioned accused persons. He also stated that accused were never declared proclaimed offender nor any proceeding was initiated against them. Apart from present case, no other case is pending against accused persons nor they have been held guilty in any case.

Besides recording the statements of the parties, the Court has also duly enquired about the compromise between two sides independently from the complainant and accused as well as their counsels. Both the counsels representing the parties have also stated that the matter has been compromised between the parties with their free consent and there is no ill will between them. So, after perusal of statements of the parties and after enquiring from the parties independently as well as their counsels, the Court is of the opinion that the compromise arrived between the parties is genuine and voluntarily made, without any undue influence, coercion threat or pressure.

No other person except Ankit, Vikas and Vinod are nominated as accused in present case. No accused is proclaimed offender in the present case. The complainant who is the only injured person and all accused have been made party to this compromise. No other case except present one is pending against accused. The accused persons are never convicted in any case.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Also reveals that no one has been declared as proclaimed offender. Even before this Court also, there is no objection by either side against each other.

(6) Learned State Counsel, on instructions from SI-Ajeet Singh, acknowledged the above factual position. Also submitted that he has no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raised no objection to the present petition.

(8) 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.”

(9) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any 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.

(10) 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.15,000/- (Rs.5000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh and shall be utilized to defray the expenses of the Diagnostic Centre situated inside the premises of High Court.

(11) Pending application(s), if any, shall also stand disposed off.

November 16th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No