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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No. 45181-2023
Date of decision : 12.12.2023****Rajeev Ranjan and others****....Petitioners****Versus****State of Haryana and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN***********Present :** Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rohit Rana, Advocate
for respondent No.2.*********PANKAJ JAIN, J. (ORAL)**

1. By way of present petition, the petitioners are seeking quashing of FIR No. 25 dated 17.07.2023, registered for offences punishable under Sections 419, 420, 467, 468, 471, 120-B of IPC, registered at Police Station Cyber Crime, District Ballabgarh, Haryana (Annexure P-1) on the basis of compromise dated 02.09.2023 (Annexure P-2).

2. On 12.09.2023 the following order was passed :

“Present petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.25 dated 17.07.2023 registered under Sections 120-B, 419, 420, 467, 468, 471 IPC at Police Station Cyber Crime, District Ballabgarh, Haryana and all subsequent proceedings arising therefrom, on the basis of compromise dated 02.09 2023 (Annexure P-2) which is stated to have been effected between the parties.

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Haryana.

Mr. Rohit Rana, Advocate appears, accepts notice on behalf of complainant/respondent No.2 and admits the factum of compromise.

In the aforesaid premise, parties are directed to appear before learned Illaqua Magistrate/trial Court for recording their respective statements with regard to compromise.

A report with regard to veracity of compromise be furnished to this Court on or before the next date of hearing.

Post it on 12.12.2023.”

3. Pursuant to the aforesaid order, report dated 25.10.2023 from Judicial Magistrate First Class, Faridabad has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“The accused persons namely Rajeev Ranjan, Arvind Kumar, Manohar, Vikas Kumar @ Raju and Abhishek Kumar also suffered a statement that the matter has been compromised between them and complainant by virtue of compromise dated 02.09.2023 without any ill-will, pressure and coercion from any side. The copy of compromise already placed in the Hon’ble Punjab & Haryana High Court at Chandigarh. They further stated that said compromise is voluntary and in the welfare and interest of all.

Investigating Officer ASI Anoop Singh, No. 2123 suffered a statement that there are only one complainant/victim namely Sumit Chutani and five accused persons namely Rajeev Ranjan, Arvind Kumar, Manohar, Vikas Kumar @ Raju and Abhishek Kumar in the present case and the accused are neither declared Proclaimed Offender nor are involved in any other FIR.”

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 petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in

case the FIR is quashed based upon the compromise dated 02.09.2023 (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. 25 dated 17.07.2023, registered for offences punishable under Sections 419, 420, 467, 468, 471, 120-B of IPC, registered at Police Station Cyber Crime, District Ballabhgarh, Haryana and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

12.12.2023
Anu

(PANKAJ JAIN)
JUDGE

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