

Yadav, HPS, Assistant Commissioner of Police (Crime), Faridabad, has been filed and same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

4. It is contended by learned Counsel for the petitioners that matter has been amicably settled between the parties, i.e. petitioners as well as complainant/respondent No.2; hence, the aforesaid FIR along with consequential proceedings may be quashed and set aside.

5. *Per contra*, learned State Counsel, while making reference to Para 2 of the aforesaid status report, opposed the prayer on the premise that petitioners are facing various criminal cases of similar nature; hence, habitual in indulging such activities. Lastly submitted that mere settlement between the parties cannot be a ground to quash the FIR, when allegations are serious in nature.

6. Heard learned Counsel for the parties and perused the paper-book.

7. From perusal of the status report dated 24.11.2023 (supra), it is quite evident that petitioners are facing various criminal cases; and for reference, Para 2 of the said report is extracted as under:-

“Para 2 of the aforesaid affidavit reads as under:-
"That, at the outset, it is submitted that all the petitioners herein are more nefarious and notorious persons who have not only been involved in the crime in question but in other criminal cases arising out of different FIRs, as detailed below:-

ACCUSED	F.I.R.	REMARKS
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<i>All the petitioners except petitioner No.4-Manoj</i>	<i>FIR No.67 dated 06.03.2023 P.S. Chaiysa, Faridabad, under Sections 148/149,323/325/506 IPC.</i>	<i>Final report u/s 173 Cr.P.C submitted to the learned Ilqa Magistrate, Faridabad, on 19.09.2023.</i>
<i>Petitioner No.1 only (Ishwar)</i>	<i>1. FIR No.5/2015, PS Sadar Ballabhgarh, under Sections 148/149/323/325/341/506 IPC 2. FIR No.70/2018, PS Chaiysa, under Sections 307/452/506/34 IPC. 3. FIR No.469/2018, PS NIT, Faridabad, under Sections 148/149/323/307/379-B/384/506/511 IPC. 4. FIR No.551/2021, PS Adarsh Nagar, Ballabhgarh, under Sections 395/397/427 IPC and u/s 25/54/59 Arms Act. 5. FIR No.650/2021, PS Sector 58, Faridabad, under Sections 147/149/323/395/452/506 IPC 6. FIR No.433/2021, PS SGM Nagar, Faridabad, under Sections 307/34 IPC and u/s 25/54/59 Arms Act. 7. FIR No.643/2021, PS Sector 58, Faridabad, under Sections 395/397/342/427 IPC.</i>	
<i>Petitioner No.4 namely Manoj</i>	<i>FIR No.402 dated 12.05.2007 under Sections 323, 324, 506, 452, 34 IPC PS C B Garh Faridabad. 2. FIR No.26 dated 25.02.2008 under Section 435 IPC PS S B Garh Faridabad. 3. FIR No.22 dated 23.02.2008 under Sections 148, 149, 323, 506, 356, 427 IPC and SC/ST Act, PS S B Garh Faridabad. 4. FIR No.470 dated 20.09.2008 under Sections 148, 149, 307, 325, 353, 511 IPC PS CB Garh</i>	

	<i>Faridabad.</i> <i>5. FIR No.86 dated 20.02.2013 under Sections 364A IPC, Arms Act PS C B Garh Faridabad.</i> <i>6. FIR No. 365 dated 12.11.2013 under Section 42 Prisons Act PS C B Garh Faridabad.</i> <i>7. FIR No. 347 dated 10.08.2017 under Sections 148, 149, 307, 506 IPC and Arms Act PS C B Garh Faridabad.</i> <i>8. FIR No.357 dated 17.07.2018 under Sections 148, 149, 307, 506 IPC and Arms Act PS C B Garh Faridabad.</i> <i>9. FIR No.455 dated 11.07.2018 under Sections 148, 149, 307, 506 IPC and Arms Act PS Sec.55, Faridabad.</i> <i>10. FIR No.469 dated 11.11.2018 under Sections 148, 149, 307, 506, 323,325, 511 IPC and Arms Act PS NIT Faridabad.</i> <i>11. FIR No. 108 13.03.2019 under Arms Act PS dated Section Old Faridabad.</i> <i>12. FIR No.376 dated 25.10.2019 under Sections 148, 149, 307, 427, 452 IPC and Arms Act PS SARAN Faridabad.</i> <i>13. FIR No.643 dated 05.12.2021 under Sections 395, 397, 427 IPC and under Arms Act PS Sec. 58, Faridabad.</i> <i>14. FIR No.551 dated 08.12.2021 under Sections 395, 397, 427 IPC and Arms Act PS A. Nagar, Faridabad.</i> <i>15. FIR No.433 dated 08.12.2021 under Sections 307, 34 IPC and Arms Act PS SGM Nagar Faridabad.</i>	
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A bare glance on the above extract clearly reveals that petitioners are having chequered criminal history and present FIR is not the solitary case, which they are facing as on today.

8. Also noteworthy that investigation in the present FIR qua petitioners No.1 to 3 has already been completed and challan qua them was submitted before the Court concerned on 19.09.2023; and investigation qua petitioner No.4 is still going on.

9. In the present case, allegations are very serious. Now the matter is between State and the accused persons; thus, mere compromise or settlement with the complainant would not be binding upon the State; nor the same is to be accepted as a matter of course, while exercising power under Section 482 Cr.P.C.

Of course, in a given case, when it is discernible that quashing of an FIR would be to secure the ends of justice or to prevent the miscarriage of justice, or that continuation of criminal proceedings would amount to misuse of the process of Court, then certainly, power under Section 482 Cr.P.C. can be exercised. But here, in the present case, situation is entirely different. Thus, quashing of the FIR in question would not be for securing the ends of justice; rather it shall frustrate the administration of criminal justice system. Hence, the State has very rightly opposed the quashing petition for bringing the petitioners to justice.

10. Hon'ble the Supreme Court in "**Arun Singh and Others Versus State of Uttar Pradesh Through its Secretary and another**", 2020

(3) SCC 736, while dealing with the power under Section 482 Cr.P.C. in para 14, observed as under:-

“In another decision in Narinder Singh v. State of Punjab (supra) it has been observed that in respect of offence against the society it is the duty to punish the offender. Hence, even where there is a settlement between the offender and victim the same shall not prevail since it is in interests of the society that offender should be punished which acts as deterrent for others from committing similar crime. On the other hand, there may be offences falling in the category where the correctional objective of criminal law would have to be given more weightage than the theory of deterrent punishment. In such cases, the court may be of the opinion that a settlement between the parties would lead to better relations between them and would resolve a festering private dispute and thus may exercise power under Section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.”

10.1. Again in **“Daxaben Versus The State of Gujarat & others”**, 2022 LiveLaw (SC) 642, Hon’ble the Supreme Court, in para Nos.38, 39 & 40, observed as under:-

“38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on

compromise, when the offence is serious and grave and falls within the ambit of crime against society.

39. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, bride-burning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose.

40. In Criminal Jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. The State has a duty to ensure that law and order is maintained in society. It is for the state to prosecute offenders. In case of grave and serious non-compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a non-compoundable offence of a grave, serious and/or heinous nature, which impacts society.”

11. In such a scenario, no ground is made out to quash the FIR at threshold on the basis of compromise. As a result thereof, there is no option except to dismiss the petition.

Ordered accordingly.

CRM-M-55546-2023 (O&M)

-8-

12. However, it is made clear that the observations, made above, be not construed as an expression of opinion on the merits of case in any manner.

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

28.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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