



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
303

CRM-M-856-2024
Date of decision: 22.08.2024

JAIDEEP AND ORS.

....PETITIONERS

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lalit Kumar Yadav, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Badal Malik, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.70 dated 11.12.2023 under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Women Police Station, Sonapat, District Sonapat and all consequential proceedings arising therefrom on the basis of compromise dated 04.01.2024 (Annexure P-5), which is stated to have been effected between the parties.

2. On 09.01.2024, the following order was passed:

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance on behalf of respondent No 1 State of Haryana and accepts notice.

Mr. Badal Malik, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.



The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Ilaqa Magistrate concerned on 15.01.2024 or any date thereafter as fixed by trial Court/Ilaqa Magistrate for recording statement of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Ilaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Ilaqa Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Ilaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Ilaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Ilaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Ilaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion. The trial Court/Ilaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 22.02.2024."



3. Pursuant to the aforesaid order, report dated 31.07.2024 from Judicial Magistrate Ist Class, Sonapat has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“As per statement of complainant Anu, she has compromised the matter with the accused namely Jaideep, Devinder Singh, Risalo Devi, Neeti Dahiya, Preeti, Deepti Chaudhary, Reeti Chaudhary, Naveen Kumar Malik without any pressure from any quarter. She has no objection if the FIR No.70/2023 under Sections 323,34,406,498-A,506 of IPC, PS WPS, Sonapat, is quashed against the accused persons. In the statement dated 19.07 2024 the complainant has also been identified by Ms. Meenu Rani, Advocate.

In the similar manner the accused Jaideep, Devinder Singh, Risalo Devi, Neeti Dahiya, Preeti, Deepti Chaudhary, Reeti Chaudhary, Naveen Kumar Malik, identified by their counsel Sh. Rakesh Singh Saroha, suffered a statement on 19.07.2024, that they have compromised the matter with the complainant Anu without any pressure from any quarter and FIR No.70/2023 under Sections 323,34,406,498-A,506 of IPC, PS WPS, Sonapat, may be quashed. The statement of accused Jaideep, Devinder Singh, Risalo Devi, Neeti Dahiya, Preeti, Deepti Chaudhary, Reeti Chaudhary, Naveen Kumar Malik, is Annexure II and Annexure-III respectively and is attached herewith in original.

It is to be noted that if there had been any pressure of any kind on any of the

persons, who had given statements before this court, then they could bring notice of this court about that fact, but none of the persons, who had given statements, had stated that they are under pressure of any kind. Had the complainant or accused persons 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 the Id. counsels, but even the Id. counsels have not stated before this court that any of the person/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 genuine, voluntarily and without any coercion or undue influence and is valid one.

ii) In the abovesaid FIR No.70/2023 under Sections 323,34,406,498-A,506 of IPC, PS WPS, Sonapat, I.O. of the present case appeared and suffered a statement, which is Annexure-IV (Annexed herewith in original). As per statement of L/HC Poonam No 675/SPT, posted in P.S. WPS, Sonapat, in the present case bearing FIR No.70/2023 under Sections 323,34,406,498-A,506 of IPC, PS WPS, Sonapat are the only accused arrayed in the present FIR. There is no other case



registered against them in her knowledge and there is no proclaimed offender in the present FIR and Anu is the only victim/complainant in the present 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 (Annexure P-5).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, 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 the Hon'ble 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) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) *The offences alleged are primarily 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.70 dated 11.12.2023 under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Women Police Station, Sonapat, District Sonapat and all consequential proceedings arising therefrom on the basis of compromise dated 04.01.2024 (Annexure P-5), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

August 22, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No