

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

CRM-M-4006 of 2023

DATE OF DECISION :- 14.02.2024

Dherender Rana

...Petitioner

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rahul Vats, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Ashwani Antil, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No. 11 dated 11.11.2019 under Sections 406,498-A,506,323 and 34 of IPC, registered at Police Station, Women, Bahadurgarh, District Jhajjar, Haryana and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 01.12.2021 (Annexure P-3), which is stated to have been effected between the parties.

2. On 10.03.2023, the following order was passed:

CRM-10616-2023

This is an application seeking preponement of date of hearing of main petition, as also for directing the parties to get their statements recorded before the trial Court in terms of the compromise entered into between them, dated 01.12.2021, for quashing of the FIR.

Notice of the application.

Ms. Ankita Ahuja, Assistant Advocate General, Haryana and Mr. S.K.Verma, Advocate, accept notice on behalf of respondent No.1 and 2 respectively, and have no objection to the prayer made in the instant application.

Application is accordingly allowed. The date of hearing of the main petition is advanced to today itself, and the main petition is taken on board.

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The parties are directed to appear before the trial Court/Duty Magistrate on 23.03.2023 or any other date convenient to the Court, for recording their statements with regard to compromise. The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties. The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, ie., 27.04.2023.”

3. Pursuant to the aforesaid order, report dated 01.04.2023 from Addl. Civil Judge (Sr. Divn.)-cum-Sub Divisional Judicial Magistrate, Bahadurgarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“6. In view of above mentioned statements, point wise information is furnished as under:-

- i) Whether there is any other accused, apart from the petitioners arrayed in this petition:-*

There is only one accused namely Dhirender Singh Rana son of Sh. Virender Singh and no other person has been named facing trial in the present case.

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

As per the respective statements of the parties and I.O. L/ASI Sunita, there is no other affected or aggrieved party apart from the complainant and respondent had included in the present case.

Whether the parties are involved in any other criminal case?

As per the statement of Investigating Officer L/ASI Sunita, no other FIR is pending against the parties of the present case.

(iv) offender? Whether any of the parties has been declared a proclaimed?

As per the statement of I.O., no party in the case has declared proclaimed offender at any stage.”

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 petitioner is quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-3).

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 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 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. 11 dated 11.11.2019 under Sections 406,498-A,506,323 and 34 of IPC, registered at Police Station, Women, Bahadurgarh, District Jhajjar, Haryana and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 01.12.2021 (Annexure P-3), are, hereby, quashed qua the petitioner.

(SUMEET GOEL)
JUDGE

14.02.2024
P.Singh

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