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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.5135 of 2024****Date of decision: 06.03.2024.**

Prince Sharma

....Petitioner

Versus

State of Haryana and anr.

.....Respondents**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN*********

Present :- Mr. Ravindra Jain, Advocate with
Mr. Tushar Kwatra, Advocate and
Mr. Dhruv Kumar, Advocates
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

*********PANKAJ JAIN, J. (ORAL)**

1 By way of present petition, the petitioner is seeking quashing of FIR No.40 dated 19.10.2023 registered under Sections 419, 420 and 120-B of IPC at Police Station Cyber Crime NIT, Faridabad, Haryana and all consequent proceedings arising therefrom on the basis of compromise.

2 Reply by way of affidavit of Assistant Commissioner of Police, Cyber Crime, Faridabad on behalf of respondent No.1-State filed. The same is taken on record. Copy thereof supplied to the counsel for the petitioner.

3 As per the office report, respondent No.2 stands served however, none has come present.

4 Learned counsel for the petitioner submits that the matter is now pending before the trial Court on 10.04.2024. He further relies upon

statement on behalf of the complainant in the order dated 21.11.2023 passed by Sessions Judge, Faridabad on the bail plea filed by the petitioner which reads as under:-

“Learned counsel for the complainant has made a statement that matter has been amicably settled with the applicants and he has no objection if the applicants are released on bail.”

5 Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 recognizing compromise between parties 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 wiser 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.40 dated 19.10.2023 registered under Sections 419, 420 and 120-B of IPC at Police Station Cyber Crime NIT, Faridabad, Haryana and all proceedings arising therefrom are hereby quashed *qua* the petitioner.

06.03.2024
spn

(PANKAJ JAIN)
JUDGE

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