

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

215

CRM-M-6820-2024  
Date of decision: 17.05.2024

ROHIT

....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Krishan Singh, Advocate  
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. D.S. Saini, Advocate  
for respondent No.2.

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SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.44 dated 15.03.2021 under Sections 323, 406, 498-A & 506 of IPC, registered at Police Station Jathlana, District Yamuna Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 30.01.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 08.02.2024, the following order was passed:

*“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 44 dated 15.03.2021 (Annexure P-1) registered under Sections 323, 406, 498-A and 506 IPC at Police Station Jathlana, District Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of compromise dated 30.01.2024 (Annexure P-2) effected between the parties.*

*Learned counsel for the petitioner, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that marriage of the petitioner with complainant/respondent No. 2 was solemnized on 03.12.2019*

*and one daughter was born out of the said wedlock on 24.10.2020. Both the parties are residing separately since 24.12.2020. Now, in order to live peacefully, parties have entered into compromise dated 30.01.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded on 12.09.2023 and the next date for recording second motion statement of the parties is 16.03.2024. Further, it is submitted that initially, 05 persons were named in the FIR, however, challan has been filed only against the present petitioner-husband. It is further submitted that the petitioner has never been declared as proclaimed offender.*

*Notice of motion.*

*On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, accepts notice on behalf of respondent No. 1-State; whereas Mr. D.S. Saini, who is present in Court accepts notice on behalf of respondent No. 2 and submits Vakalatnama, which is taken on record.*

*Learned counsel for respondent No. 1-State as well as learned counsel for respondent No. 2 have not disputed the aforesaid submissions made by learned counsel for the petitioner. In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 30.01.2024 (Annexure P-2) on 26.02.2024 by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 17.05.2024 containing the following information:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

*A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”*

3. Pursuant to the aforesaid order, report dated 29.02.2024 from

Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri, has been received,

which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“(1) Number of persons arrayed as accused. In this regard, it is submitted that as per the FIR and statement person namely Rohit son of Surinder has been arrayed as of I.O one accused.*

*(2) Whether any accused is proclaimed offender. In this respect, it is submitted that as per statement of I.O, none of the accused person has been declared as proclaimed offender.*

*(3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

*In this respect, it is submitted that as per the satisfaction of the undersigned, the compromise as effected between the parties is not the result of any pressure or coercion in any manner. Both the parties have suffered their separate statements regarding the compromise voluntarily.*

*(4) Whether the accused persons are involved in any other FIR or not ?.*

*In this regard, it is submitted that as per statement of I.O, except the present case accused is not involved in any other case.*

*(5) Statement of Investigating Officer regarding number of victims/complainants.*

*In this respect, it is submitted that as per statement of I.O, there is one complainant namely Sushma Devi wife of Rohit daughter of Jagbir Singh and there is only one accused namely Rohit son of Surinder and except the above said complainant/victim there is no other complainant or victim in the present FIR.”*

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated that he has no objection in case the FIR is quashed based upon the compromise (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 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.44 dated 15.03.2021 under Sections 323, 406, 498-A & 506 of IPC, registered at Police Station Jathlana, District Yamuna Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 30.01.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)  
JUDGE

May 17, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |