

CRM-M-8191-2024

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2024:PHHC:058576

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

CRM-M-8191-2024
Date of decision : 29.04.2024

PARVEEN AND ORS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.S. Mamli, Advocate for the petitioners.

Mr. Ashok Chaudhary, Addl. A.G., Haryana.

Mr. Satish Sharma, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.762 dated 19.10.2021, registered for offences punishable under Sections 147, 149, 323, 341, 379B, 506 of the Indian Penal Code, 1860 at Police Station Hansi City, District Hisar (Annexure P-1) on the basis of compromise.

2. On 15.02.2024, the following order was passed :-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioners seeking quashing of FIR No.762 dated 19.10.2021, registered for offences punishable under Sections 147, 149, 323, 341, 379B, 506 of the Indian Penal Code, 1860 at Police Station Hansi City, District Hisar and all subsequent proceedings arising thereto on the basis of compromise.

Ld. Counsel for the petitioners contends that the matter already stands compromised vide Annexure P-2.

Notice of motion for 29.04.2024.

Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of respondent No.1-State.

Mr. Satish Sharma, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties are directed to appear before learned Trial Court/Duty Magistrate on 27.02.2024. On their doing so, the learned Trial Court/Duty Magistrate shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is 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 case or not?
5. The Trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Trial Court/Duty Magistrate shall be at liberty to call the parties on any other date but not later than a week thereafter.”

3. Pursuant to the aforesaid order, report from SDJM, Hansi dated 01.03.2024 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“In this regard, it is respectfully submitted that in the FIR, names of accused/suspected have not been specified in the relevant column. Final report under Section 173 Cr.P.C. has been filed for offences punishable under Sections 323, 341, 506, 34 IPC against four accused i.e. 1. Parveen son of Karambir, 2.

Maman son of Dharambir, 3. Rajesh son of Umed Singh and 4. Ravinder son of Balbir, all residents of village Shekhpura, Tehsil Hansi, District Hisar, who are petitioner Nos.1 to 4 before Hon'ble High Court. As per police report, investigation of case has been completed. In this case, none of the accused is proclaimed offender/ person and all the accused are on bail. As per statement of the Investigating Officer ASI Ramesh Kumar, No.59/HNS, P.S. City Hansi, case was registered against aforesaid four accused and no accused has been declared a proclaimed offender/person in this case. Said investigating officer further stated that Raman Arora son of Madan Lal, R/o Boga Ram Colony, Hansi, now residing at Jagan Nath Mandi, Hansi, is the only victim-complainant in this case. Investigating Officer further stated that apart from this case, two more cases i.e. **FIR No.490 of 2018, under Section 323, 325, 341, 506 IPC, P.S. City Hansi and FIR No.30 of 2023, under Section 160 and 283 IPC, P.S. City Hansi, are registered against accused Parveen. Similarly, two cases i.e. FIR No.389 of 2022, under Section 60-1(a) Excise Act, P.S. City Hansi and FIR No.40 of 2020, under Sections 323, 34, 341, 506 IPC, P.S. Sadar Hansi, are registered against accused Maman Ram. Similarly, two cases i.e. FIR No.86 of 2017, under Section 306 IPC, P.S. Chandi Mandir, Panchkula and FIR No.34 of 2020, U/Ss 285, 341, 427, 506 IPC, P.S. Sadar Hisar, are registered against accused Rajesh.**

It is further submitted with utmost humility that in pursuance of directions of Hon'ble High Court, aforesaid complainant Raman Arora and accused Parveen, Maman Ram, Rajesh and Ravinder had appeared before the Court of undersigned on 27.02.2024. Complainant-victim Raman Arora, without any pressure or coercion, made voluntary statement to the effect that he, with the intervention of *Panchayat*, has compromised the matter with aforesaid four accused and no ill-will has remained between them and he has no objection in case FIR No.762, dated 19.10.2021, under Sections 147, 149, 323, 341, 379B and 506 of the IPC registered at Police Station City Hansi, is quashed. Aforesaid four accused have also made their separate statements, whereby they concurred with the statement of

complainant. Parties were duly identified by their respective counsel. The undersigned too had asked relevant material questions regarding the statements so got recorded by parties and all the concerned had given reasonable answers to the questions. They had concurred with the statements that the same are their voluntarily depositions. Keeping in view the facts and circumstances of the case, oral as well as recorded statements of the parties, this Court is of the considered opinion that the compromise arrived at between complainant and aforesaid accused is valid, genuine and same is result of free will of the parties.”

4. Counsel for the petitioners submits that the Section 379-B IPC already stands deleted.

5. Ld. Counsel appearing 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.

6. Similarly Ld. State Counsel has stated no objection in case the FIR is quashed based upon the compromise.

7. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

8. 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, 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) and Mohammad Wajid & anr. Vs. State of U.P. & ors, 2023 AIR (SC) 3784.

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.

(h) When it comes to quashing of FIR or criminal proceedings, the criminal antecedents of the accused cannot be the sole consideration to decline to quash the criminal proceedings.

9. 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.

10. Consequently, the petition is allowed. FIR No.762 dated 19.10.2021, registered for offences punishable under Sections 147, 149, 323, 341, 379B, 506 of the Indian Penal Code, 1860 at Police Station Hansi City, District Hisar (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

April 29, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No