

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

277

CRM-M-11428 of 2023 (O&M)  
DATE OF DECISION :- 04.03.2024

Ali Mohammad and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Dikshit, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Parveen Sharma, Advocate for respondents No. 2 to 4.

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SUMEET GOEL, J. (Oral)

CRM-9073-2024

The application is allowed as prayed for subject to just exceptions.

CRM-M-11428 of 2023

1. By way of present petition, the petitioners are seeking quashing of FIR No. 408 dated 24.06.2018 under Sections 323,498-A,506 of IPC, registered at Police Station, Gharaunda, District Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 20.02.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 24.04.2023, the following order was passed:

*“The petitioners have filed petition under Sections 482 Cr.P.C. for quashing of FIR No.408 dated 24.06.2018 under Sections 323, 498-A,506 of IPC registered at Police Station Gharaunda, District Karnal (Annexure P-1) and all subsequent proceedings arising there from, qua the petitioners, in light of the compromise effected between the parties.*

*Notice of motion.*

*On the asking of this Court, Ms. Ambika Sood, Addl. A.G.*

*Haryana accepts notice on behalf of the State. Learned counsel for the petitioners is directed to supply her a complete copy of the paperbook.*

*Let the statement of the parties concerned be recorded with regard to the aforesaid compromise on 19.07.2023 before the learned Illaqa/Duty Magistrate, concerned or on any early date convenient to the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.*

*1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offenders or any such proceedings have been initiated or pending against them.*

*2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.*

*3. Statement of IO regarding involvement of petitioners in any other FIR.*

*To await the report, list again on 14.08.2023.”*

3. Pursuant to the aforesaid order, report dated 08.08.2023 from Judicial Magistrate Ist Class, Karnal has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“5. After going through the statements of the parties and after enquiring from the I.O.. I am of the view that the compromise has been arrived between the complainant party and accused persons voluntarily without any threat, pressure, undue influence or fraud. Thus in my considered opinion the compromise arrived at between the two sides is genuine and voluntary act of the parties and the complainant has no objection in quashing of FIR registered against the accused persons on his complaint. Hence the compromise is genuine.*

*6. Hence, the report is being submitted, for your kind perusal and necessary action.*

*Submitted please.”*

4. Learned counsel for respondents No. 2 to 4 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-2).

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. 408 dated 24.06.2018 under Sections 323,498-A,506 of IPC, registered at Police Station, Gharaunda, District Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 20.02.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

04.03.2024

P.Singh

(SUMEET GOEL)

JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |