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

**CRM-M-12676-2024 (O&M)
Date of decision : 29.04.2024**

Ratika Verma and others

... Petitioner(s)

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Poonam Saroya, Advocate,
for Mr. Ashwani K. Antil, Advocate for the petitioner(s).

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Kamal K. Chaudhary, Advocate,
for the respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0774 dated 24.11.2015 (**P-1**), under Sections 506, 323 & 325 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station, Sector 5, Gurugram, along with all consequential proceedings arising therefrom on the basis of compromise dated 06.01.2024 (**P-2**), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

2. Allegations are that petitioners gave beatings to the informant and other victims.

3. A Co-ordinate Bench, while issuing notice of motion on 12.03.2024, passed the following order:-

“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0774 dated 24.11.2015 under Sections 323, 325, 34 & 506 of the Indian Penal Code, 1860 registered at Police Station Sector 5, Gurugram and all other consequential proceedings arising therefrom on the ground that the parties have since compromised the matter vide compromise deed dated 06.01.2024 (Annexure P-2).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise deed dated 06.01.2024 has been appended with the present petition as Annexure P-2. Learned counsel further contends that petitioner No.1 and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 wherein first motion statements have been recorded and now the case is pending for recording of second motion statements.

Notice of motion.

On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana waives service on behalf of respondent No.1-State. Mr. Kamal Chaudhary, Advocate accepts notice for respondent No.2 and 3. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 & 3 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 & 3 has no objection if the aforesaid FIR is quashed.

The Apex Court in the case of Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303] has held as under :

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving

such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavor stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

In view of the above cited judgment of Hon’ble Apex Court, this Court considers that it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer.

List on 29.04.2024

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 09.04.2024 or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 06.01.2024 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 23.04.2024 has been submitted in this regard by learned Judicial Magistrate First Class, Gurugram. The operative part of the same reads as under:-

“It has been verified that both the complainant/victims and the accused persons have entered into compromise freely without any undue influence, coercion or pressure.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. Hon’ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime.

Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

9. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.
10. No costs.
11. Pending application(s), if any, shall also stand disposed off.

29.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*

Whether reportable : *Yes / No*