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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13538-2023 (O&M)
Date of Decision: 31.01.2024

Kuldeep

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vivek Goyal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Devender Kumar, Advocate for
Ms. Renu Bala Kamboj, Advocate for respondent Nos.2 and 3.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of
FIR No.330 dated 10.08.2020 under Sections 216, 341, 354, 354-D, 506 and
509 of the Indian Penal Code, 1860, registered at Police Station
Kurukshetra University, District Kurukshetra and all consequent
proceedings arising therefrom on the basis of compromise/affidavit dated
04.03.2020 (Annexures P-3 and P-4), which is stated to have been effected
between the parties.
2. On 17.03.2023, the following order was passed:

“The petitioner has filed the present petition seeking quashing of FIR No.330 dated 10.08.2020 under Sections 216, 341, 354, 354-D, 506 and 509 of the Indian Penal Code, 1860, registered at Police Station Kurukshetra University, District Kurukshetra (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 04.03.2020 (Annexures P-3 and P-4).

On the asking of Court, Mr. S.S. Pannu, DAG, Haryana, accepts Berendaha notice on behalf of respondent No.1-State and Ms. Renu Bala Kamboj, Advocate accepts notice and filed Power of Attorney on behalf of respondent No.2, which is taken on record and admit the factum of compromise effected between the parties.

Adjourned to 09.08.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 29.03.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

3. Pursuant to the aforesaid order, report dated 11.05.2023 from ld.

JMIC, Kurukshetra has been received, which is taken on record. As per the

report, the Trial Court has recorded as follows:-

“Statement of Investigating Officer has also been recorded in the present case. The desired report is hereby submitted as follows:-

i) In the present FIR, total three number of persons namely Ashok Kumar, Sukhwinder Pal and Kuldeep were arrayed as accused but vide order dated 18.04.2022 passed by Ms. Sandeep Kaur, Ld. JMIC, Kurukshetra accused persons namely Ashok Kumar and Sukhwinder Pal were discharged.

ii) No accused is declared as Proclaimed offender.

iii) In view of the statement given by the complainant and the accused, this court is of the considered view that the instant compromise is genuine, voluntarily and out of free will of the parties.

iv) No other FIR was registered against the present accused.”

4. Learned counsel for respondent Nos. 2 and 3 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 petitioner is quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexures P-3 and P-4).

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 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. Learned counsel for the parties, in support of their contentions have relied upon the following judgments :-

*i) **Ranjeet Kumar versus State of H.P. & Ors.** in case Cr.MMO No. 648 of 2023 decided on 08.12.2023 by the High Court of Himachal Pradesh, Shimla.*

*ii) **Arif Khan versus The State and another** in case W.P. (CRL) 1064/2023 decided on 09.01.2024 by the High Court of Delhi at New Delhi.*

*Iii) **Sukhchain Singh and others versus State of Punjab and others** 2021(4) R.C.R. (Criminal) 81.*

*iv) **Ananda DV Vs. State and another** 2021 SCC Online SC 3423.*

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) 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) As per the report received the compromise is said to be voluntary in its nature.

(iv) Complainant/victim is reported to have entered into compromise on his own volition.

10. Consequently, the petition is allowed. FIR No.330 dated

Penal Code, 1860, registered at Police Station Kurukshetra University, District Kurukshetra and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 04.03.2020 (Annexures P-3 and P-4), is, hereby, quashed qua the petitioner.

31.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No