



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

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**CRM-M-15425-2024
Date of decision : 07.05.2024**

Satish Kumar and others

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. C.S. Singhal, Advocate
for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Sham Lal Saha, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.332 dated 08.09.2023, registered for offences punishable under Sections 406/420/467/468/471/506/120-B IPC, at Police Station Mulana, District Ambala, on the basis of compromise (Annexure P-2).

2. Reply by way of affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Barara, District Ambala has been filed on behalf of respondent No.1-State. The same is taken on record.

3. On 01.04.2024, 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.332 dated 08.09.2023, registered for offences punishable under Sections 406/420/467/468/471/506/120-B IPC, at



Police Station Mulana, District Ambala.

Learned counsel for the petitioners contends that the matter already stands compromised vide Annexure P-2.

Notice of motion for **07.05.2024**.

On the asking of the Court, Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of respondent No.1-State. Mr. Sham Lal Saha, 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, both the parties are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 15.04.2024. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court 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 Duty Magistrate/Illaq Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”



4. Pursuant to the aforesaid order, report from JMIC, Ambala dated 25.04.2024 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

Regarding point (i) It is humbly submitted that as per the report of I.O., six accused persons namely Satish Kumar, Pinki Devi, Rajni Devi alias Simran, Mahinder Singh alias Ashok and Pardeep Kumar, Mohan Lal were arrayed in the FIR.

Regarding point (ii) It is humbly submitted that as per the report of ASI Surinder Singh No. 102, PS Mullana, Ambala, no proclamation proceedings have ever been initiated against any of the accused persons.

Regarding point (iii) -It is humbly submitted that I have also personally satisfied myself that the complainant Mukesh Kumar has arrived at a compromise with accused persons without any coercion, undue influence or pressure and the complainant has no objections, in case the present FIR against the accused persons, is ordered to be quashed by Hon'ble High Court.

Regarding point (iv) It is humbly submitted that as per the statement of Surinder Singh No. 102, PS Mullana, Ambala, one FIR no. 294/2023, under sections 420/370/120-B IPC, PS Mullana was registered against accused Satish Kumar son of Mahinder Pal and Mahinder Singh son of Ashok Kumar. As per the statement of accused persons, said FIR no. 294/2023, under sections 420/370/120-B IPC, P.S. Mullana was compromised with the complainant and in view of the compromise, said FIR has been quashed by the Hon'ble High Court. Now, no other



case has remain pending against the aforesaid accused except the present case FIR”.

5. The aforesaid report reveals that there are six accused persons namely Satish Kumar, Pinki Devi, Rajni Devi alias Simran, Mahinder Singh alias Ashok, Pardeep Kumar and Mohan Lal. However, the compromise has only been effected with accused-petitioners namely Satish Kumar, Pinki Devi, Rajni Devi alias Simran, Mahinder Singh alias Ashok and Pardeep Kumar.

6. Mr. Sham Lal, Advocate appears for respondent No.2 and 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.

7. Similarly learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

8. I have heard learned counsel for the parties and have carefully gone through the records of the case.

9. 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.*



10. 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.*

11. Since the parties are *ad idem* that the compromise/settlement has to be read strictly *inter se* between the parties to the present petition and the complainant wants to pursue prosecution of rest of accused, namely, Mohan Lal and it is only the petitioners namely Satish Kumar, Pinki Devi, Rajni Devi alias Simran, Mahinder Singh alias Ashok and Pardeep Kumar who have approached this Court by way of present petition, the present petition is being entertained and allowed qua them only.

12. The question raised by State counsel as to whether the FIR can be quashed in part or not already stands answered by Apex Court in '**Lovely Salhotra and another vs. State (NCT of Delhi)**' reported as **(2018) 12 SCC 391**, wherein it was observed as under:-

“XX XX XX

We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants – herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the



fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.”

13. Consequently, the petition is allowed. FIR No.332 dated 08.09.2023, registered for offences punishable under Sections 406/420/467/468/471/506/120-B IPC, at Police Station Mulana, District Ambala, and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

07.05.2024
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No