

300

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

**CRM-M-18256-2023 (O&M)  
Date of decision : 25.04.2024**

Robin Kumar

... Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Kamlesh, Advocate for  
Mr. Parminder Singh, Advocate  
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Ms. Kusum Raj, Advocate for respondent No. 2.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 49 dated 15.01.2019 registered under Sections 420, 465, 467, 468 of Indian Penal Code, 1860 (for short 'IPC') (Sections 212, 323, and 506 IPC added later on) at Police Station, Sadar Karnal on basis of compromise (P-3) arrived at between the parties i.e. petitioner and respondent No. 2.

2. Allegations are that petitioner as well as co-accused committed fraud with the complainant by selling land without necessary government approval; usurped money and threatened him of dire consequences.

3. The Co-ordinate Bench, while issuing notice of motion on 17.04.2023, passed the following order:-

*“ Notice of motion.*

*Mr.Arun Luthra, DAG, Punjab and Ms. Kusum Raj, Advocate, accept notice on behalf of respondent No. 1 and respondent No. 2.*

*Learned counsel for the petitioner undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.*

*Through the present petitioner filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No. 49 dated 15.01.2019 registered under Sections 420, 465, 467 and 468 IPC (Sections 212, 323 and 506 IPC added later on) at Police Station Sadar Karnal on the strength of a written compromise dated 29/30.03.2023 (Annexure P-3) entered into between the parties.*

*The petitioner as also respondent No. 2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 27.04.2023 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.*

*The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.*

*To await the report of the Illaqa Magistrate/Trial Court adjourned to 02.08.2023.”*

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 14.11.2023 has been submitted in this regard by learned Chief Judicial Magistrate, Karnal. The operative part of the same reads as under:-

*“ Parties have submitted that without any pressure and coercion, a compromise has been effected between complainant and accused. This has been done to finish the litigation and to have peaceful and harmonious relations. Now, complainant does not want any action against accused and requested to quash the FIR.”*

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 counsel for the petitioner contends that impugned FIR *qua* co-accused-Inderjit Dhamija has already been quashed by the Coordinate Bench on 16.05.2023 passed in CRM-M-11553-2020 (O&M).

7. Learned State Counsel, after obtaining instructions is not able to dispute the above factual position.

8. Learned counsel for respondent No. 2 has acknowledged the factum of compromise effected between the parties i.e. petitioner and respondent No. 2.

9. 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.”*

10. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. 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.

11.           Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner shall bear the costs of Rs.10,000/- (Rs.Ten Thousand each). Costs be deposited with Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613, IFSC Code:SBIN0050306, State Bank of India, High Court Branch, Chandigarh.
12.           Pending application(s), if any, shall also stand disposed off.

25.04.2024  
Harish Kumar

(MAHABIR SINGH SINDHU)  
JUDGE

Whether speaking/ reasoned

:

Yes / No

Whether reportable

:

Yes / No