

2024:PHHC:011515

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

295

CRM-M-23309-2023 (O&M)
Date of Decision: 29.01.2024

Amandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Mr. B.S. Saroha, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Gautam Kaile, Advocate for
Mr. Ashwani K. Antil, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

1. By way of present petition, the petitioner is seeking quashing of FIR No.08, dated 08.09.2015 under Sections 498-A & 34 of IPC, registered at Police Station, Women Jind, District Jind and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 20.04.2023 (Annexure P-6) which is stated to have been effected between the parties.

2 On 09.05.2023, the following order was passed:

“This is a petition under Section 482 Cr.P.C. for quashing FIR No.8 dated 08.09.2015 under Sections 498-A, 34 IPC registered at Police Station, Women,

District Jind, alongwith consequential proceedings, on the basis of compromise dated 20.04.2023 (Annexure P-6).

Notice of motion.

Ms. Ankita Ahuja, Assistant Advocate General, Haryana accepts notice on behalf of respondent No.1-State. Mr. Ashwani Kumar Antil, Advocate, accepts notice on behalf of respondent No.2-complainant.

Let the parties appear before the trial Court/Duty Magistrate on 29.05.2023 or any other date convenient to the Court for recording their statements with regard to compromise.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties. The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 05.10.2023.”

3. Pursuant to the aforesaid order, report dated 01.07.2023 from Judicial Magistrate, Ist Class, Jind, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In compliance of order dated 09.05.2023 passed in CRM-M-23309-2023 by Hon'ble High Court in case titled as 'Amandeep Versus State of Haryana and another', the undersigned has the honour to submit the compliance report to the following effect.

1. Petitioner- Amandeep appeared (through video conferencing), accused Rani Devi (acquitted vide order dated 17.08.2022) and respondent No. 2 Seema wife of Amandeep appeared before the Court of undersigned to get their statement recorded.

2. The separate statements of complainant-Seema and accused-Rani Devi and accused Amandeep through VC recorded qua the compromise as per the directions of Hon'ble High Court. The statements were recorded after ensuring that the parties to the case were deposing voluntarily and without any pressure, coercion or undue influence. The parties have stated that they have compromised the matter voluntarily. Further, the photocopy of Aadhar Card of complainant and accused persons have been taken on record to establish their identity.

3. As per the respective statements of complainant and accused Amandeep, the compromise seems to have been effected voluntarily and further seems to be genuine compromise.

4. Statement of IO/HC Suman recorded. As per her statement, the present case FIR was registered against Amandeep, Asharam, Rani, Mamta, Riter, Jyoti and Babli. But the challan was submitted only against accused Amandeep. There is one complainant in the present case FIR. No other case is pending against the accused Amandeep and he was declared as proclaimed person in this case FIR vide order dated 08.01.2020 by the Court of Shri Sukhdev Singh, the then, Ld. JMIC, Jind.

The desired report be sent to the Hon'ble High Court. The original statements of the concerned parties are hereby sent for information and kind perusal.

Submitted please.”

4. Learned counsel for respondent No.2 admits the factum 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 that he has no objection in case the FIR is quashed based upon the compromise (Annexure P-6).

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.08, dated 08.09.2015 under Sections 498-A & 34 of IPC, registered at Police Station, Women Jind, District Jind and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 20.04.2023 (Annexure P-6) as well as order dated 08.07.2020 declaring the petitioner as proclaimed offender, are hereby quashed qua the petitioner.

(SUMEET GOEL)
JUDGE

January 29, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>