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

**CRM-21951-2024 IN/AND
CRM-M-23057-2023
Date of decision : 17.05.2024**

Manu Sachdeva alias Nishant and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shalender Mohan, Advocate for the petitioners.
Mr. Vikram Singh, AAG, Haryana.
Mr. Naveen Dahiya, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

CRM-21951-2024

Application under Section 482 Cr. P.C. for placing on record
the statement of the complainant dated 03.05.2024 (P-4).

For the reasons mentioned in the application, same is allowed
as prayed for subject to all just exceptions. P-4 is taken on record.

Main case

Present petition has been filed under Section 482 Cr.P.C. for
quashing of FIR No.184 dated 21.03.2023 registered under Sections 324,
506 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and
Section 307 of IPC (added later on), at Police Station City Hansi, District
Hansi alongwith all subsequent proceedings arising therefrom *qua* the
petitioners on the basis of compromise dated 25.04.2023 (P-2) arrived at
between the parties i.e. petitioners and respondent No. 2.



2. Allegations are that complainant-Sanju @ Sushil borrowed Rs. 20,000/- from the petitioners on interest at the rate of 10% and for about one year, he regularly paid the interest of the borrowed amount. One day petitioners came and demanded the borrowed money upon which after some altercation, petitioners inflicted knife blow in his stomach and left arm.

3. This Court on 08.02.2024, passed the following order:-

“ Application (CRM-51848-2023) for directing the trial Court for recording the statement of parties before learned trial Court/Illaq Magistrate regarding the compromise.

For the reasons stated in in the application, same is allowed subject to just exceptions.

Main case

Notice of motion was issued on 08.05.2023.

(2) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(3) In view of the above, let parties appear before the Court of learned Illaq Magistrate/trial Court on or before 05.03.2024 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(4) Learned Illaq Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(I) Whether the statements of the parties are bonafide and not result of any pressure or coercion etc. in any manner?

(ii) Whether the compromise effected between the parties is genuine and valid?

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi) Whether any of the petitioner(s) is/are previous convicted or not?

(5) List before this Court on 15.04.2024 for further consideration.

(6) Meanwhile, learned State counsel shall also get the instructions in the matter as to whether the State has any objection?

(7) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”



4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 05.03.2024 has been submitted in this regard by learned Sessions Judge, Hisar. The operative part of the same reads as under:-

“(1) Statements of both the parties appears to be bonafide and not the result of pressure of coercion.

(2) The compromise effect between the parties appears to be genuine, voluntarily and without any pressure.

(3) Both the accused and injured/complainant are the party to the compromise.

(4) As per statement of ASI Naresh Kumar No.91-Hansi and ASI Rajesh Kumar 960-Jind, no other case is pending against any of the parties.

(5) As per statement of ASI-Naresh Kumar No. 91-Hansi and ASI Rajesh Kumar 960-Jind, none of the parties have been declared proclaimed offender.

(6) As per statement of ASI-Naresh Kumar No. 91-Hansi and ASI Rajesh Kumar 960-Jind, none of the petitioners have been convicted earlier.”

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. Even complainant Sanju @ Sushil while appearing as PW-4 before learned trial Court has completely resiled and his examination- in-chief is read as under:-

“ Stated that I started working at Guru Nanak Cold Store Hansi for last 5-6 months prior to the incident. On 20.03.2023 at about 8.40 PM, I alongwith Honey and Radhey Sham was playing Ludo on mobile. In the meantime, some unknown persons with muffled faces came there and inflicted knife blow on my abdomen and left hand, due to which I fell on the ground

. -3-



and thereafter, we raised hue and cry, whereupon those unknown persons fled away from the spot alongwith the knife, on seeing the public persons. I have seen the accused present in the court but they are not those persons, who came at Cold Store and caused injuries to me with knife.

At this stage learned Public Prosecutor requested that the witness is suppressing the truty. He requested that the witness be declared hostile and permission be given to cross-examine the above said witness. Heard. Request allowed.

I have heard and seen the statement Ex.P5 word to word. It is correct that statement Ex.P5 bears my signatures at point A. The statement Ex.P5 was not given by me before the police. I did not state to the police that I had borrowed a sum of Rs. 20,000/- from accused Manu Sachdeva on interest @ 10% about two years prior to the incident and I have been regularly paying interest for the last one and half year. Confronted with portion A to A1 of statement Ex.P5 wherein it is so recorded. I did not state before the police on 20.03.2023 at about 8.40 PM, I along with my friends Honey and Radhey Sham was playing Ludo on mobile phone. In the meantime, Manu Sachdeva and Aman Thakral came there and both of them asked me to come outside the cold storage, upon which I came outside with them, where Manu Sachdeva started demanding money from me, upon which I told him that I will repay the amount but Manu Sachdeva started fighting with me and suddenly, he took out knife and inflicted knife injuries on my abdomen and left arm. Confronted with portion B to B1 of statement Ex.P5 wherein it is so recorded. I did not state before the police that on receipt of the injuries, I fell on the ground and started bleeding profusely and thereafter raised hue and cry, which attracted many persons and on seeing them coming, Manu Sachdeva and Aman Thakral fled away from there with knife and also extended threat to me that I will be killed on the next available opportunity. Confronted with portion C to C1 of statement Ex.P5 wherein it so recorded, I did not state before the police that thereafter, I was shifted to Civil Hospital, Hansi by Honey,



where I was admitted and police recorded my statement Ex.P5, in which I requested that legal action be taken against Manu Sachdeva and Aman Thakral. Confronted with portion D to D1 of statement Ex.P5 wherein it is so recorded. It is wrong to suggest that accused Manu Sachdeva and Aman Thakral both present in the Court came to Guru Nanak Cold Storage on 20.03.2023 at about 8.40 PM and accused Manu Sachdeva inflicted knife injuries on my abdomen and left arm. It is further wrong to suggest that version of assailants being muffled faces at the time of crime has been introduced by me on the legal advice to benefit the accused persons. It is further wrong to suggest that I am intentionally not identifying the accused persons present in the Court due to compromise effected with them. It is further incorrect to suggest that statement Ex.P5 was made by me and it contains true account from which I am resiling today to give benefit to the accused persons present in the court. It is incorrect to suggest that I am deposing falsely.

It is correct that I am deposing in the Court without any fear, threat or any kind of pressure.”

6. Learned counsel for the petitioners contend that matter has been amicably settled between the parties i.e. petitioners and respondent No. 2.

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. petitioners 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 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.

11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners shall bear the costs of Rs.25,000/- (Rs.12,500/- 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.

17.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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