

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
243

CRM-M-23274-2024
Date of decision: 19.07.2024

NAVEEN

....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manish Malik, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Vikrant Chiller, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.06 dated 10.01.2017 under Sections 354, 376, 376-B, 377, 406, 498-A, 506, 34 of IPC (but challan presented for the offences punishable under Sections 498-A, 376, 377, 406 IPC only) registered at Police Station Women, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 29.03.2024 (Annexure P-2), which is stated to have been effected between the parties.
2. On 09.05.2024, the following order was passed:
- “This petition has been filed for quashing of FIR No.06 dated 10.01.2017 registered under Sections 354, 376, 376-B, 377, 406, 498-A, 506 and 34 of IPC (but challan presented for the offences punishable under Sections 498-A, 376, 377, 406 of IPC only) at Police Station Women, District Jhajjar as well as the consequential proceedings including the challan report (CHI-59/2024) on the basis of compromise dated 29.03.2024 (Annexure P-2) arrived at between the parties.
Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed person.
Notice of motion.*

Mr. Arjun Lakhanpal, Addl. A.G. Haryana accepts notice on behalf of respondent No.1-State and Mr. Ankur Pandey, Advocate accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 05.06.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
 - 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
 - 3. the stage of trial/proceedings pending;*
 - 4. if the compromise is genuine, voluntary and out of free will of the parties.*
 - 5. Whether any other criminal case pending against the accused.*
- Report of Illaqa/Duty Magistrate be awaited for 19.07.2024."*

3. Pursuant to the aforesaid order, report dated 04.07.2024 from Additional Sessions Judge (Exclusive Court) Jhajjar, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"In reference to the above cited subject, I have the honour to submit that in pursuance to order dated 09.05.2024 passed by the Hon'ble High Court in Criminal Misc. No.M-23274 of 2024 titled Naveen Vs. State of Haryana and another, statements of complainant, accused and Investigating Officer have been recorded.

The complainant duly identified by her counsel has made statement recorded separately that she has settled her dispute amicably with the accused. She has entered into the compromise without any force or pressure out of her own free will. Compromise deed has been signed by her. She has no objection in case, the present case pending against the accused is quashed by the Hon'ble High Court. The accused has also made similar statement recorded separately. The Investigating Officer has also made statement that as per record, no other criminal case is pending against the accused Naveen son of Sh. Banni Singh, resident of Village Chhara, District Jhajjar and he has not been declared as proclaimed person in any criminal case. In the present case, FIR was lodged against four persons but except accused Naveen the other three persons namely Banni Singh, Sumitra and Satish were found innocent in the investigation."

Copies of statements of the complainant, accused and the Investigating Officer recorded on 03.07.2024 and copy of order dated 03.07.2024 are enclosed along with present report in compliance of the order of the Hon'ble High Court dated 09.05.2024 passed in CRM-M-23274-2024."

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 no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble 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 the Hon'ble 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. 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 CRM-M-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.06 dated 10.01.2017 under Sections 354, 376, 376-B, 377, 406, 498-A, 506, 34 of IPC (but challan presented for the offences punishable under Sections 498-A, 376, 377, 406 IPC only) registered at Police Station Women, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 29.03.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 19, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No