2024:PHHC:109387

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

259

CRM-M-27075-2024
Date of decision: August 23rd, 2024

Anand

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj Kaushik, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

Mr. Piyush Aggarwal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for quashing of FIR No.151 dated 26.04.2024 under Sections 294, 34, 506 of the IPC and Section 3(2)(va) of Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Hissar Civil Lines, Hisar, and all consequential proceedings arising therefrom on the basis of compromise dated 11.05.2024 (Annexure P-1).

2. Learned counsel for the petitioner submits that after registration of the FIR in question, which has been annexed as Annexure P-1, the parties with the intervention of respectables and other well wishers, have amicably resolved their differences vide compromise deed dated 11.05.2024 (Annexure P-2). In view of this settlement, learned counsel argues that continuing the criminal proceedings would serve no meaningful purpose and would merely be a futile exercise. Therefore, it is prayed that the FIR in question, along

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with all consequential proceedings arising therefrom, deserve to be quashed.

3. Learned counsel representing respondent No.2/ complainant does not dispute the submissions made by the learned counsel for the petitioner regarding the compromise reached between the parties. Learned counsel for respondent No.2 does not also oppose the prayer for quashing the FIR and subsequent proceedings.

4. However, learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner as well as respondent No.2/complainant for quashing the FIR on the basis of the compromise purportedly affected between the parties. Learned State counsel has contended that the petitioner is a habitual offender involved in the following nine criminal cases:-

1.	FIR No.4 dated 03.06.2007 under Section 379 IPC, P.S. Shivaji Colony, Rothak.
2.	FIR No.6 dated 05.06.2007 under Sections 379, 411 IPC, P.S. Shivaji Colony, Rothak.
3.	FIR No.448 dated 19.08.2007 under Sections 379, 411 IPC, P.S. City Rohtak.
4.	FIR No.81 dated 25.03.2009 under Section 174 IPC, P.S. Shivaji Colony, Rohtak.
5.	FIR No.154 dated 18.04.2017 under Sections 147, 149, 279, 336, 506, 34 IPC, P.S. Sadar, Rohtak.
6.	FIR No.244 dated 03.06.2015 under Sections 314, 506 IPC, P.S. Sadar, Rohtak.
7.	FIR No.511 dated 27.12.2019 under Section 148, 149, 506 IPC, P.S. Urban Estate, Rohtak.
8.	FIR No.247 dated 10.08.2023 under Section 406, 418, 420, 468, 506, 120B 201 IPC and Section 3(2)(va) of SC/ST Act, P.S. IMT, Rohtak.
9.	FIR No.123 dated 02.04.2024 under Sections 506, 34 IPC, Section 25 of the Arms Act and Section 3(2)(va) of the SC/ST Act, P.S. Civil Lines, Hisar.

5. The learned State counsel further argues that accepting such compromises with habitual offenders would set a dangerous precedent. It would potentially open the floodgates for persons with

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criminal antecedents to commit offences and later resolve matters with the complainant/victim through coercion or undue influence, which would be detrimental to societal interest.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. While it is true that in cases where the offences are private in nature and the parties have amicably settled their disputes, Courts should adopt a lenient approach and consider quashing the FIR based on the compromise. However, it is equally important to recognize that the inherent powers of this Court under Section 482 of the Cr.P.C./528 of BNSS, though wide, are not without limits. These powers must be exercised with great caution and circumspection.

8. Hon'ble the Supreme Court has consistently emphasized in its various judicial pronouncements the need for nuanced approach when dealing with serious and grave offences. These offences are serious in nature and are generally considered crime against society. In *Criminal Appeal No.349 of 2019* titled as *The State of Mahdya Pradesh Versus Laxmi Narayan and others, decided on 05.03.2019,* Hon'ble the Supreme Court held as under:-

> "*15.5 while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."*

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9. Following these observations of the Hon'ble Apex Court, and as reiterated in *Daxaben Versus The State of Gujarat 2022 LiveLaw (SC) 642*, and a series of other judgments, Hon'ble the Supreme Court has consistently held that when adjudicating on a prayer for quashing based on compromise, the Court must not ignore the criminal antecedents and conduct of the accused. In *Daxaben's case (supra),* Hon'ble the Supreme Court observed as under:-

> *"**38.** However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.*
>
> ***39.** Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, brideburning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose."*

10. In the present case, as per the custody certificate, which has been placed on record by the learned State counsel, and which fact

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has also not been disputed by the learned counsel for the petitioner is involved in as many as nine criminal cases, which include the instant case as well.

11. In the aforementioned facts and circumstances, keeping in view the criminal antecedents of the petitioner and the observations made by Hon'ble the Supreme Court in *Daxaben's case (supra), no ground is made out for quashing of the FIR on the basis of the compromise purportedly affected between the parties.*

12. The instant petition stands dismissed.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 23rd, 2024 **(MANJARI NEHRU KAUL)**
Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No

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