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

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Date of decision : 19.07.2024

Sunny

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Krishan Singh, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Deep Singh Saini, Advocate for respondent No.2.

AMARJOT BHATTI J.

1. Petitioner-Sunny has filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.76 dated 19.03.2024 under Sections 323, 436 & 506 of IPC, registered at Police Station Chhapar, District Yamuna Nagar, Haryana (Annexure P-1) and all other subsequent proceedings on the basis of compromise between parties dated 22.05.2024 (Annexure P-2).

2. Facts of the case are Babu Ram complainant stated that his son namely Sunny was habitual of consuming liquor and he used to harass entire family. He even threatened to kill the entire family by setting them on fire. On 18.03.2024 at about 11:30 PM his son started abusing and beating him. Out of fear, he along with his family went inside the room. At 11:50 PM, he smelt fire smoke outside the room. His wife Darshani

Devi and son Mukesh Kumar went outside and saw that his son (Sunny)

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had set on fire splendor motorcycle bearing No.HR02AL-5676 along with other articles and Sunny was standing nearby. He further stated that he would set ablaze entire house. Fire was extinguished with great difficulty and ultimately matter was reported to the police and present FIR was registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri dated 06.06.2024. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioner. He confirmed that this compromise has been effected without any pressure, coercion from any side and he has no objection regarding quashing of FIR.

4. Petitioner - Sunny also confirmed this fact in his separate statement. Statement of ASI Ram Kumar is also recorded who further confirmed that accused has not been declared as proclaimed offender.

5. Therefore, from the report of Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of our own High Court i.e. **Larger Bench of Five Judges 2007(3) RCR (Criminal) 1052** case titled ***“Kulwinder Singh and others vs. State of Punjab and another”*** where it was explained that inherent



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power of this Court under Section 482 cannot be limited to matrimonial cases alone and the Court has wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of Criminal Procedure Code in order to prevent abuse of law and to secure ends of justice.

Further reliance can be made on judgment of Hon'ble Apex Court in "*Ramawatar v. State of M.P.*" (2022) 13 Supreme Court Cases 635, wherein it has been held that Supreme Court or High Court as the case may be after having given due regard to the nature of offence and the fact that victim/complainant has willingly entered into a settlement/compromise can quash proceedings in exercise of their respective constitutional/inherent powers. It was further held that while quashing criminal proceedings relevant consideration for exercising such powers are nature and effect of the offence on the conscience of society, seriousness of the injury, if any, voluntary nature of compromise between the accused and the victim and conduct of accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

6. Considering all these factors in mind, in the case in hand both parties have mutually settled all their disputes. They are father and son, residing in same house. After compromise they will be able to live peacefully. It will end litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings.

7. Therefore considering these facts, petition filed by petitioner is accepted and FIR No.76 dated 19.03.2024 under Sections 323,

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436 & 506 of IPC, registered at Police Station Chhapar, District Yamuna Nagar, Haryana (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed.

8. Accordingly, present petition stands accepted.
9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)

JUDGE

19.07.2024.

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No