

**124 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-29962-2022 (O&M)****Date of Decision: 15.02.2024**

Ravinder Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Brijender Kaushik, Advocate,
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Suresh Kumar, Advocate,
for respondents No.2 & 3.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.220 dated 20.09.2016 (P-1) under Sections 323, 326 and 506 read with Section 34 IPC, at Police Station, Naraingarh, District Ambala along with all consequential proceedings arising therefrom on the basis of compromise dated 19.05.2022 (P-2) entered into between the parties i.e. petitioners as well as respondents No.2 & 3.

2. Allegations are that in furtherance of their common intention, petitioners caused injuries to complainant-Ravinder Singh and his uncle-Daler Singh.

3. A Coordinate Bench of this Court, while issuing notice of motion, on 14.07.2022, passed the following order:-

“By filing this petition, quashing of FIR No.220 dated 20.9.2016 under Sections 323/326/506 read with Section 34 IPC registered at Police Station Naraingarh, District Ambala and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr.Surinder Kumar Dagar, DAG, Haryana and Mr.Shorabh Dhanda, Advocate for Mr.Gagandeep Singh, Advocate accept notice on behalf of respondent Nos. 1 to 3 respectively.

Parties may appear before concerned trial Court/Duty Magistrate on 4.8.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 02.11.2022.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Naraingarh and submitted a report dated 09.08.2022. The operative part of the same reads as under:-

“It is humbly submitted that after recording the statement of the parties, this Court is of the considered view that the compromise has been effected among the parties by their free will, in sound state of mind, without any coercion or undue influence and compromise is genuine and voluntarily.”

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.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. 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.”

8. In view of the above, this Court is fully convinced that the offence(s) are entirely personal in nature and do not affect any 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.
9. 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 costs of Rs.10,000/- (Rs. 5,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, A/C No. 65035682434, IFSC: SBIN0050306 maintained with State Bank of India, Punjab & Haryana High Court Branch, Chandigarh.
10. Pending application(s), if any, shall also stand disposed off.

15.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE