



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
241

CRM-M-29113-2024
Date of decision: 23.08.2024

SHAHID ALI
V/s
STATE OF HARYANA AND ANOTHER
...PETITIONER
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. V. Chaitanya Rao, Advocate for
Mr. Siddharth Sharma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. Ameesha Goel, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.122 dated 19.05.2022 under Sections 354-A, 354-D and 506 of IPC, registered at Police Station, GRP Ambala Cantt., District GRP Ambala Cantt., and all consequential proceedings arising therefrom on the basis of compromise dated 23.05.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 03.06.2024, the following order was passed:

*“The petitioner through instant petition, on the basis of compromise is seeking quashing of FIR No.122 dated 19.05.2022 registered at Police Station GRP Ambala Cantt., District GRP Ambala Cantt, under Sections 354-A, 354-D and 506 of Indian Penal Code, 1860.
Notice of motion.
Mr. Chetan Sharma, DAG, Haryana and Ms. Ameesha Goel, Advocate accept notice on behalf of respondent No. 1 State and respondent No. 2 respectively. Power of attorney of respondent No.2 is taken on record.
Parties may appear before learned trial Court/Illaq Magistrate concerned on 11.07.2024 or any other date convenient to said Court and get their statements recorded with regard to compromise. In the event of*



their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report disclosing:

- i) genuineness and voluntary nature of compromise ;*
- ii) how many persons are nominated in FIR/police report;*
- iii) how many accused/victims have out of total accused/victims have entered into compromise;*
- iv) if there is partial compromise, what is role of the accused;*
- v) what is stage of trial, if accused already convicted, whether appeal is pending in Appellate Court;*
- vi) whether all accused/petitioners are appearing before the Court or are on bail; and*
- vii) whether any other proceeding is pending against the accused/petitioner.*

Adjourned to 23.08.2024.”

3. Pursuant to the aforesaid order, report dated 01.08.2024 from Judicial Magistrate Ist Class, Ambala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“The complainant Neera Kumari has stated that she has compromised the matter with the accused Shahid Ali without any fear or pressure. She has stated that she has no objection in quashing the present FIR as per compromise. She has prayed that the FIR be quashed as per compromise. The accused Shahid Ali has also appeared and has stated that he has compromised the matter with complainant Neera Kumari without any fear or pressure. He has prayed for quashing the FIR.

The notice was issued to concerned SHO. IO SI Parvinder Kaur Belt No.678 has appeared on 30.07.2024 and has made the statement that she has been the IO in the present case. As per record there is only one accused i.e. Shahid Ali in the present case, who is on bail and there is only one victim complainant Neera Kumari in the present case. She has further submitted that both the parties have arrived at compromise with each other without any fear or pressure. She has further stated that the compromise is not partial. The present case is at the stage of prosecution evidence and two witnesses have been examined in the present case and that no other criminal case is registered against accused Shahid Ali.

I have also questioned the parties about the voluntariness of their statement. From the statement of the parties including complainant, accused and IO, I am satisfied that the compromise entered between the parties is genuine, voluntary and without any coercion or undue influence. The compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. As per IO SI Parvinder Kaur, no criminal case is pending against the accused and accused is on bail in the present case. There is only one accused namely Shahid Ali against whom challan has been filed. There is only one complainant/victim namely Neera Kumari who has compromised the matter with accused. The compromise is not partial. The case is at the stage of prosecution evidence. The accused appearing before the Court and he is on bail. As per report of IO no other case is pending against the accused. The statements of the complainant, accused and the IO SI Parvinder Kaur have been recorded which are attached along with report as desired.”



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.122 dated 19.05.2022 under Sections 354-A, 354-D and 506 of IPC, registered at Police Station, GRP Ambala Cantt., District GRP Ambala Cantt., and all consequential proceedings arising therefrom on the basis of compromise dated 23.05.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

August 23, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No