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

**CRM-M-29331-2023 (O&M)
Date of decision : 10.05.2024**

Jyoti and others

... Petitioner(s)

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur Dua, Advocate,
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Kushager Goyal, Advocate,
for Mr. Lalit Narang, Advocate,
for respondent No.2

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0443 dated 01.10.2020 (**P-1**), under Sections 323, 325, 506, 147 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station, Purani Subzi Mandi, District Rohtak, along with all consequential proceedings arising therefrom on the basis of compromise dated 30.05.2023 (**P-3**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners caused injuries to the complainant and other victims.



3. A Co-ordinate Bench, while issuing notice of motion on 02.06.2023, passed the following order:-

“Prayer in the present petition filed under Section 482 Cr.P.C is for quashing of FIR No.0443, dated 01.10.2020, under Sections 147, 149, 323, 325 and 506 of the Indian Penal Code, 1860 at Police Station Purani Subzi Mandi, Rohtak (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Ram Kumar Singla, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent No.1/State, who seeks an accommodation to file reply in the matter.

At this stage, Mr. Lalit Narang, Advocate appears and files Power of Attorney on behalf of respondent No.2 in Court today, which is taken on record, subject to all just exceptions.

List on 01.08.2023.

In the meanwhile, the parties are directed to appear before Illaqa Magistrate/trial Court for recording of their respective statements with regard to the compromise, on 10.07.2023 or any other date convenient to the Court.

The Illaqa Magistrate/trial Court is directed to submit a report containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR and those found involved during investigation;*
- (ii) What is the status of the proceedings of the case/ FIR;*
- (iii) Whether any accused is proclaimed offender;*
- (iv) Whether the accused persons are involved in any other case or not;*
- (v) Whether all the concerned have signed the compromise deed;*
- (vi) Whether the compromise is genuine, voluntary, and without any coercion or undue influence;*
- (vii) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The afore-made report be ensured to be sent to this Court on or before the date fixed.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 21.07.2023 has been submitted in this regard by learned Addl. Chief Judicial Magistrate, Rohtak. The operative part of the same reads as under:-



“ The compromise entered into between the parties is genuine, voluntary and without any pressure/coercion.”

5. On 13.02.2024, another Coordinate Bench passed the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

A perusal of FIR would show that apart from the complainant, the accused also had a scuffle with the parents of the complainant and is also alleged to have hit the complainant's father with nails and is alleged to have slapped the complainant's father. However, the statements of the parents of the complainant have not been recorded and interestingly even the learned Additional Chief Judicial Magistrate has stated that all concerned have signed the compromise deed.

The trial Court/Illaqa Magistrate is directed to record the statements of parents of the complainant qua the factum of compromise and to submit report as regards the voluntary nature of compromise.

List again on 10.5.2024.

The parties/parents of the complainant may appear on any date before the trial Court and move an application so as to get their statements recorded. Upon such application being made, the trial Court shall do the needful at the earliest and send its report.”

6. Again, in terms of aforesaid order, statements of Sh. Jagdish (father of complainant) and Smt. Ramesh (mother of complainant) were recorded and a report dated 03.05.2024 has been submitted in this regard by learned Judicial Magistrate First Class, Rohtak and operative part of which reads as under:-

“In view of the statement of the parents of the complainant on record, this court is satisfied that parents of the complainant have voluntarily entered into the compromise which is in the interest of parties and would bring harmony and peace between the parties.”



7. A perusal of the aforesaid reports 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.

8. Learned State Counsel, on instructions from the police officer 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.

9. 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.”

10. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect 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.



11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.
12. No costs.
13. Pending application(s), if any, shall also stand disposed off.

10.05.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned

:

Yes / No

Whether reportable

:

Yes / No