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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.32088 of 2023
Date of decision : 18.03.2024.**

Bindu Talwar and anr.

....Petitioners

Versus

State of Haryana and anr.

.....Respondents**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN***********Present :-** Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocates
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

*********PANKAJ JAIN, J. (ORAL)**

1 By way of present petition, the petitioners are seeking quashing of FIR No.677 dated 23.11.2019 registered under Sections 120-B, 406, 420 and 506 of IPC, 1860 at Police Station Faridabad Central, Distt. Faridabad and all consequent proceedings arising therefrom on the basis of compromise.

2 On 15.11.2023, the following order was passed:

“Nobody is appearing on behalf of respondent No.2-complainant.

Copy of the petition be sent to the concerned Court below and seek report as to whether the parties have settled the dispute or nor especially in view of Annexures P-5 and P-6.

Adjourned to 21.02.2024.”

3 Despite the aforesaid order, one more opportunity was granted to the petitioners vide order dated 21.02.2024.

4 Pursuant thereto, report dated 12.03.2024 from Judicial Magistrate 1st Class, Faridabad has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“The report has been prepared compliance of directions of Hon’ble The High Court of Punjab and Haryana in CRM-M-32088-2023 vide dated 15.11.2024 and 21.02.2024 whereby the Trial Court was directed to submit the report regarding settlement between parties especially in of Annexure P5 & P-6. Learned counsel for the accused/ petitioner placed on record copy of application alongwith copy of Annexures P5 & P6 on the file. Annexures P5 & P6 were confronted to complainant Sh. Mahender Gatg ocne. He identified his signatures on Annexures P5 & P6 and stated that the matter has been amicably settled with accused persons. He does not want to proceed with the FIR against Mrs. Bindu Tatwar and Saransh Talwar and also stated that he has no objection, if the FIR is quashed. In the same way accused persons namely: Mrs. Bindu Talwar and Saransh Talwar also made a joint statement to the effect that the matter has been amicably settled with the complainant for Rs.6.00,000/-. They made part payment of Rs.4,00,000/- on 19.12.2019 and remaining payment of Rs 2,00,000/- was paid to complainant on 08.01.2020. They both requested to quash the FIR against them.

As per statements made by both the complainant and accused persons, the matter has been amicably settled between the parties. It appears that the compromise so arrived between the parties is without any pressure, undue influence, fraud or coercion.

The report is being submitted for your kind perusal please.”

4 Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

5 I have heard learned Counsel for the parties and have carefully gone through the records of the case.

6 This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash

proceeding recognizing compromise between parties in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, 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 Apex Court and this Court is :

(a) *Power u/s 482 Cr.P.C. vested with this Court is much wiser 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.

7 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) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra) i.e. heinous offence.
- (ii) The offences alleged are of private nature.
- (iii) The parties have compromised.
- (iv) As per the report received the compromise is said to be voluntary in its nature.
- (v) Complainant/victim is reported to have entered into compromise on his own volition.

8 Consequently, the petition is allowed. FIR No.677 dated 23.11.2019 registered under Sections 120-B, 406, 420 and 506 of IPC, 1860 at Police Station Faridabad Central, Distt. Faridabad and all proceedings arising therefrom are hereby quashed *qua* the petitioners.

18.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No