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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34201-2023 (O&M)
Date of Decision: 20.02.2024

RONAK KUMAR SIHOTIA AND OTHERS

.. Petitioners

Vs.

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuldeep Sheoran, Advocate for the petitioners.
Ms. Ankita Ahuja, AAG, Haryana.
Mr. Sunil Hooda, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR bearing No.60 dated 20.08.2021 registered at Police Station Women, Bhiwani, under Sections 323, 34, 354-A, 498-A, 406 and 506 IPC (the offence under Sections 313/34 IPC deleted later-on) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.07.2023 (Annexure P-2), which is stated to have been effected between the parties.
- 2 On 22.09.2023, the following order was passed:

“.....The petitioners herein pray for the quashing of the FIR bearing No.60 dated 20.08.2021 registered at Police Station Women, Bhiwani, under Sections 323, 34, 354-A, 498-A, 406 and 506 IPC (wherein the offence under Section 313/34 IPC is stated to have been deleted later-on) as well as all other consequential proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.

Learned counsel for the petitioners, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioners and respondent No.2 and now, with the intervention of the respectables, the same stands resolved/settled amicably and the said

settlement/compromise would promote peaceful, harmonious and cordial relations between them.

Notice of motion.

Learned State counsel accepts notice on behalf of respondent No.1.

Learned counsel for respondent No.2 also accepts the notice on behalf of his client and he admits the factum of the compromise having been arrived at between the parties.

Learned State counsel has also submitted the Reply on behalf of respondent No.1-State (by way of the affidavit of the Deputy Superintendent of Police, Bhiwani) in the Court today and the same is taken on the record.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 15.01.2024 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 20.02.2024 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed."

3. Pursuant to the aforesaid order, report dated 23.01.2024 from Id.

JMIC, Bhiwani has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"Parties have specifically stated that they have compromised the matter without any force, fear or coercion. The statements of complainant and the accused persons are recorded separately."

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are 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 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 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 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 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) 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.

9 Consequently, the petition is allowed. FIR bearing No.60 dated 20.08.2021 registered at Police Station Women, Bhiwani, under Sections 323, 34, 354-A, 498-A, 406 and 506 IPC (wherein the offence under Section 313/34 IPC is stated to have been deleted later-on) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.07.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

20.02.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No