

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
242-1

CRM-M-35534-2023
Date of decision: 15.03.2024

VARUN SHARMA
V/s
...PETITIONER
STATE OF HARYANA AND ANOTHER
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gautam Kalie, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Tejasvi Sheokand, Advocate for
Ms. Anjali Sheoran, Advocate for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.319 dated 06.06.2018 under Sections 323, 34, 498-A and 506 of IPC, registered at Police Station, City Bahadurgarh, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 17.03.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 25.07.2023, the following order was passed:

*“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.319 dated 06.06.2018 under Sections 323, 34, 498-A, 506 of the Indian Penal Code, 1860 registered at Police Station City Bahadurgarh, District Jhajjar, and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 17.03.2023 (Annexure P-2).
Learned counsel for the petitioners would contend that the parties have since entered into a compromise before the Mediation and Conciliation Centre of this Court on 17.03.2023 (Annexure P-2) and all the disputes stand resolved between the parties. Learned counsel for the petitioners*

has relied upon the judgment by the Hon'ble Supreme Court rendered in "Gian Singh V/s State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State. Ms. Amrita Garg, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 states that all the disputes between the parties stand resolved and that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 22.11.2023.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 19.09.2023, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 17.03.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties."*

3. Pursuant to the aforesaid order, report dated 19.02.2024 from Civil Judge (Jr. Divn.)-cum-JMIC, Badadurgarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

" I have the honour to submit that in compliance of order dated 25.07.2023 passed in CRM-M-35534-2023 in case titled as Varun Sharma Vs. State of Haryana & Anr complainant and accused appeared and made their separate statements to the effect that the matter has been, compromised and they have settled their dispute without any pressure. Complainant à long-with accused submitted that they want to get cancelled the FIR-bearing No.319 dated 06.06.2018, P.S. City, Bahadurgarh, under Sections 323 4984, 506, 34 of IPC. Copy of statements made by complainant as well as the statement of accused and the zimhl orders dated 01.08.2023, 05.10.2023 & 19.02.2024 are attached herewith for your kind perisal.Further, detailed reply is hereunder as directed:-

1. In my opinion, the compromise effected between the parties dated 17:03:2023 is, genuine, voluntarily and without any coercion or undue influence. As per statement of the parties, copy of compromise dated 17.03.2023 has already been filed before the Hon'ble High Court.

2 As per the statement of Investigating Officer, no criminal case

is pending against the accused
3. As per the statement of Investigating Officer, accused has not been declared proclaimed offender.”

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 are quashed.

5. Similarly, learned State counsel has stated that he has 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. 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 No.319 dated 06.06.2018 under Sections 323, 34, 498-A and 506 of IPC, registered at Police Station, City Bahadurgarh, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 17.03.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 15, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No