

CRM-M-36259-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

246

CRM-M-36259-2023

Date of decision: 09.02.2024

Sukhbir

...Petitioner

V/s

State of Haryana and another

...Respondents

**CORAM: HON’BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Manoj Pundhir, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Anuraj Singh, Advocate for

Mr. Jogendra Singh, Advocate for respondent No.2.

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**SUMEET GOEL, J. (Oral)**

1. By way of present petition, the petitioner is seeking quashing of FIR No.0003 dated 03.01.2023 (Annexure P-1) under Sections 323, 354, 406, 498-A, 506 of IPC (Section 354 IPC was deleted lateron), registered at Police Station, Gandhi Nagar, District Yamuna Nagar, and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 04.07.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 27.07.2023, 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.0003 dated 03.01.2023 under Sections 323, 354, 406, 498-A, 506 of the Indian Penal Code, 1860 (Section 354 IPC was deleted later on) registered at Police Station Gandhi Nagar, District Yamuna Nagar, and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 04.07.2023 (Annexure P-2).*

*Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed dated*

*04.07.2023 has been appended with the present petition as Annexure P-2. Learned counsel would further contend that a petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed wherein statements of first motion stand recorded. Learned counsel for the petitioner 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. Mr. Joginder Singh, 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 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.*

*List on 24.11.2023.*

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 25.09.2023, 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 04.07.2023 (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 27.09.2023 from Judicial Magistrate First Class, Yamuna Nagar at Jagadhri has been

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

**“ Point No.1:-**

1. *Whether the settlement/compromise dated 04.07.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind*
2. *On oral inquiry, both the parties have stated that there was matrimonial dispute between them and now with intervention of friends and relatives, compromise/settlement dated 04.07.2023 has been effected between them voluntarily and without any coercion, pressure, duress or any undue influence. That the compromise is not a result of any fraud or misrepresentation. I have specifically inquired about the validity of compromise from the complainant and she has stated that the compromise arrived at in the matter is voluntarily and she has no objection if the FIR in question be quashed on the basis of compromise. Both have stated that they will remain bound by the compromise. Both have tendered the copy of compromise dated 04.07.2023 as Ex. C1.*
3. *Separate statement of both parties regarding compromise recorded. Same is attached herewith as Annexure A (of complainant) and Annexure B (of accused person/petitioner).*
4. *statements After considering the oral submissions and written made by the parties, I am satisfied that the compromise/settlement dated 04.07.2023 has been actually arrived at between the parties and same is effected with their free volition and the same is not the result of any coercion, undue influence or pressure and is also not a result of fraud or misrepresentation. Statements of the parties have been recorded, in which they have been duly identified by their respective counsels.*

**Point No. 2**

2. *Whether any other criminal cases are pending against the parties.*
5. *It is further submitted that as per the statement of investigating officer (Annexure C), no other criminal case(s)/FIR is registered or pending against the accused Sukhbir Son of Shri Ramphal or any other person related to FIR in question. Moreover, boh the accused and complainant have also mentioned in their respective statements (Annexure A & B) that no other criminal case(s) is/ are pending against them*

**Point No. 3**

*Whether any proclamation proceedings are pending against either of the parties.*

6. *It is further submitted that as per the statement of investigating officer (Annexure C), accused Sukhbir Son of Shri Ramphal has not been declared proclaimed offender/person in the FIR in question nor any proclamation proceedings are pending against the accused or any other person in the present FIR in question. Moreover, both the accused and complainant have also mentioned in their respective statements (Annexure A & B) that they have not been declared proclaimed offender/person in any criminal case nor such proceedings are pending against them."*

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 petitioner 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 No.0003 dated 03.01.2023 (Annexure P-1) under Sections 323, 354, 406, 498-A, 506 of IPC (Section 354 IPC was deleted lateron), registered at Police Station, Gandhi

CRM-M-36259-2023

6

Nagar, District Yamuna Nagar and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 27.09.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

(SUMEET GOEL)  
JUDGE

February 09, 2024  
*Ajay*

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