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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39934-2020 (O&M)
Date of Decision: 30.01.2024

SUDHIR AND ANOTHER
Vs.
STATE OF HARYANA AND OTHERS

.. Petitioners

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Anita Balyan, Advocate for the petitioners.
Ms. Mahima Yashpal, DAG, Haryana.
Mr. Vicky Chauhan, Advocate for respondent Nos.2 and 3.

...
SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.125 dated 07.11.2019 under Sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Women Police Station Jhajjar and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 29.10.2020 (Annexure P-2), which is stated to have been effected between the parties.

2 On 02.12.2020, the following order was passed:

*“Heard through video conferencing.
The petitioners are seeking quashing of FIR No.125 dated 07.11.2019 under Sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Women Police Station Jhajjar, on the basis of compromise dated 29.10.2020 (Annexure P-2), which has been arrived at between the parties.
Learned counsel for the petitioners contends that the FIR is an outcome of a matrimonial dispute between petitioner No.1 and respondent No.2 which has now been resolved and the matter has been compromised. He has referred to the copy of the compromise which is annexed as Annexure P-2.
Issue notice to the respondents.
At the asking of the Court, Ms. Aditi Girdhar, AAG, Haryana, accepts notice on behalf of respondent No.1.
List on 15.12.2020.
In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 12.01.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the*

compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 12.01.2021 from ld.

JMIC, Jhajjar has been received, which is taken on record. As per the report,

the Trial Court has recorded as follows:-

“In view of the statement of the complainant as well as accused, this Court is of the considered view that the present case bearing FIR No.125/2019 under Sections 323,406,498-A,506,34 IPC Police Station, Women Jhajjar has been registered on the statement of complainants namely Priyanka and Pinki. Compromise affected between the appearing parties is genuine and without any undue influence or coercion. It is pertinent here to mention that there is one more complainant namely Pinki. However, Pinki was not made party in the quashing petition filed in the Hon'ble High Court, therefore, Pinki has not appeared in the court for getting her statement recorded. Criminal Ahlmad is directed to send the report alongwith original statement of parties to the Hon'ble High Court and also send the copy of complaint and photocopy of compromise dated 29.10.2020 for its onward submission to the Hon'ble High Court.”

4. Pursuant to the order dated 01.03.2023, report dated 10.05.2023

from ld. Civil Judge (Jr. Divn.)-cum-JMIC, Jhajjar has been received, which

is taken on record. As per the report, the Trial Court has recorded as

follows:-

“Apropos of this query, with profound deference, I may take the liberty of submitting that on being individually enquired by the undersigned about the voluntary nature of the compromise, Ms. Pinki (respondent no.3) has candidly stated that the matter has been amicably settled by her with the petitioners without any contaminating influence exercised by any one, and it was only after getting satisfied about its voluntary nature, her statement were recorded, the copy of the same is attached herewith for the kind perusal.”

5. Learned counsel for respondent Nos.2 and 3 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.

6. Similarly, learned State counsel has stated no objection in case the

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

8. 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.

9 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.*

10 Consequently, the petition is allowed. FIR No.125 dated 07.11.2019 under Sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Women Police Station Jhajjar and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 29.10.2020 (Annexure P-2), is, hereby, quashed qua the petitioners.

11. Pending application(s), if any, shall also stand disposed off.

30.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No