



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-38582-2024

Date of decision: 22.11.2024

RAVINDER SINGH @ RAVINDER

....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Verma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Mahesh Saxena, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.0182 dated 08.06.2024 under Sections 323, 341, 354, 354-C, 452, 506, 509 of IPC, registered at Police Station, Bahalgarh, District Sonipat and all consequential proceedings arising therefrom on the basis of compromise dated 03.08.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 09.08.2024, the following order was passed:

“Prayer in the instant petition filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) is for quashing of FIR No.0182 dated 08.06.2024 (Annexure P-1) under Sections 323, 341, 354, 354-C, 452, 506 and 509 IPC, registered at Police Station Bahalgarh, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise deed dated 03.8.2024 (Annexure P-2) effected between the parties.

Learned counsel for the petitioner, inter alia, submits that the complainant/respondent No.2 in the present case is the sister-in-law/bhabhi of the petitioner. The allegations in the FIR to the effect that the petitioner entered into the house of the complainant and molested her are false and fabricated. The said FIR has been registered due to some misunderstanding between the parties. However, the matter has been



settled between the parties and in order to live peacefully, parties have entered into compromise dated 03.8.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is submitted that the petitioner is the only accused in the FIR, who has never been declared as proclaimed offender. Notice of motion.

On the asking of Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of respondent No.1-State; whereas Mr. Mahesh Saxena, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and submits Vakalatnama, which is taken on record.

Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioner. The factum of compromise effected between the parties has not been disputed by learned counsel for the complainant/respondent No.2.

In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 03.8.2024 (Annexure P-2) on 23.8.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 22.11.2024 containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”

3. Pursuant to the aforesaid order, report dated 04.09.2024 from Judicial Magistrate Ist Class, Sonipat has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In respect of the first, second, third, fourth and fifth information as sought by the Hon'ble High Court, it is humbly submitted that as per record and Statement of Investigating Officer L/HC Jyoti, posted at Police Station Bahalgarh, Sonapat, recorded separately, there is one accused namely Ravinder Singh @ Ravinder in the present FIR. It is further submitted that the accused is not proclaimed offender in the present case. It is further submitted that the accused was involved in one more criminal case bearing FIR No. 155 dated 03.06.2020 under Sections 323, 506 PS Rai which has been decided on 19.09.2016 and he has been acquitted in that case. It is further stated that there is one complainant/victim namely Neelam w/o 2 Kuldeep. Both the complainant and accused are party to the compromise. It is further submitted that challan has been filed against the accused Ravinder.



It is further submitted that in pursuance of order of the Hon'ble High Court complainant/victim Neelam and accused namely Ravinder has appeared before the Court on 23.08.2024. Complainant Neelam, duly identified by her counsel, suffered a statement to the effect that she is victim/complainant in the present case bearing FIR no.182 dated 2024 under Sections 323, 341, 354, 354 (c), 452, 506, 509 IPC, Police Station Bahalgarh, Soni- pat. The compromise has been effected between the parties on 03.08.2024. She have entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. She has no grievance against the accused. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court.

Accused Ravinder has also suffered separate statement to the effect that he is accused in the present case bearing FIR No. 182 dated 2024 under Sections 323, 341, 354, 354 (c), 452, 506, 509 IPC, Police Station Bahalgarh, Sonipat. The compromise has been effected between the parties on 03.08.2024 with the intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. He has not been declared Proclaimed Offender in present case and no other criminal case is pending against me. However, he was involved in criminal case FIR No. 155 dated 03.06.2020 under Sections 323, 506 PS Rai which has been decided 3 on 19.09.2016 and he has been acquitted in that case.

Being satisfied that the statements were being voluntarily made, statements of both the parties were recorded on oath, wherein they have acknowledge of having entered into compromise.

In view of the statements of interested parties, this court is satisfied that the compromise has been arrived between the parties and the said compromise is genuine, voluntary, without any coercion or undue influence. Statement of the parties and Investigating Officer in original are attached. Submitted please.”

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 is 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 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.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

8. Learned counsel for the parties, in support of their contentions have relied upon the following judgments :-

- i) Ranjeet Kumar versus State of H.P. & Ors. in case CRM-M-648 of 2023 decided on 08.12.2023 by the High Court of Himachal Pradesh, Shimla.*
- ii) Arif Khan versus The State and another in case W.P. (CRL) 1064/2023 decided on 09.01.2024 by the High Court of Delhi at New Delhi.*
- iii) Sukhchain Singh and others versus State of Punjab and others 2021(4) R.C.R. (Criminal) 81.*



iv) *Ananda DV Vs. State and another 2021 SCC Online SC 3423.*

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 528 of BNSS, 2023 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) *As per the report received the compromise is said to be voluntary in its nature.*
- (iv) *Complainant/victim is reported to have entered into compromise on his own volition.*

10. Consequently, the petition is allowed. FIR No.0182 dated 08.06.2024 under Sections 323, 341, 354, 354-C, 452, 506, 509 of IPC, registered at Police Station, Bahalgarh, District Sonipat and all consequential proceedings arising therefrom on the basis of compromise dated 03.08.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

November 22, 2024

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No