

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-42930-2023 (O&M)
Date of decision: 15.03.2024

AMANDEEP SINGH SURI

...PETITIONER

V/s

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rubal Garg, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. Damanpreet K. Brar, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.458 dated 07.11.2022 under Sections 323, 34, 354, 406, 498-A, 506 of IPC, registered at Police Station, Arya Nagar, Rohtak, Haryana and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 11.08.2023 (Annexure P-2), which is stated to have been effected between the parties.
2. On 17.10.2023, the following order was passed:

CRM No.44490 of 2023

This application has been moved on behalf of the petitioner for seeking permission to place the copies of the order dated 17.08.2023, along-with the statements of the parties recorded on first motion in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 and the relevant extract of the Final Police Report/Challan, on the record as Annexures P-4 and P-5 respectively.

Heard.

Keeping in view the reasons as mentioned in the present application, the same is allowed and Annexures P-4 and P-5 are taken on the record.

CRM-M No.42930 of 2023

By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.458 dated 07.11.2022 registered at Police Station Arya Nagar, Rohtak, under Sections 323, 354, 406, 498-A and 506 read with Section 34 IPC, along-with all the subsequent 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 petitioner, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioner-husband and respondent No.2-wife but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said settlement/compromise would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Ms. Damanpreet K. Brar, Advocate has put in appearance on behalf of respondent No.2 and has submitted her Power of Attorney in the Court today and the same is taken on the record. She accepts the notice on behalf of her client and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 19.02.2024 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 15.03.2024 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 has been arrived at between the parties out of their 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 01.03.2024 from Judicial Magistrate, Ist Class, Rohtak, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In above mentioned CRM-M-42930-2023 titled: Amandeep Singh Suri Vs. State of Haryana & Anr., the Hon'ble High Court was

pleased to pass an order dated 17-10-2023 for recording the statement of the parties with regard to compromise among them.

2. The order was received through proper channel vide Endst No. 6294 dated 20-10-2023, being the Trial Court.

3. The case concerned titled: State Vs. Amandeep Singh (F.I.R. No. 458 of 07.11.2022 (P.S. Arya Nagar, Rohtak), C.I.S. No. CHI-146-2023) is pending adjudication before the court of undersigned.

4. On dated 19-02-2024, Complainant Smt. Jasmin and Accused Sh. Amandeep Singh came present for recording statement. They were identified through their photo-I.D.s and counsel. Parties were questioned as to the genuineness of their settlement. Parties submitted that the matter had been amicably settled.

5. Statement of parties was recorded on solemn affirmation presence of counsel and under identification. No separate written compromise was filed. Having heard the parties and after perusing their statements, and from their general demeanour, I am satisfied that the statements were suffered without any coercion or undue influence, and the compromise entered by them is genuine.

6. Statement of Investigating Officer was also recorded."

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.***

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.458 dated 07.11.2022 under Sections 323, 34, 354, 406, 498-A, 506 of IPC, registered at Police Station, Arya Nagar, Rohtak, Haryana and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 11.08.2023 (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