



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244

CRM-M-41882-2024 (O&M)

Date of Decision: 12.12.2024

Bhateri and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Virender Soni, Advocate for the petitioners.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. M.S.Kathuria, Advocate for
Mr. Paras Chaudhary, Advocate
for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the mother-in-law, husband and brother-in-law of the complainant/respondent No.2, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.1 dated 03.1.2022 (Annexure P-1) under Sections 498-A, 406, 323, 376, 511, 377, 506, 34 IPC (Section 377 IPC has been deleted), registered at Police Station IMT Rohtak, District Rohtak and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

Pursuant to the order dated 29.08.2024 passed by this Court, the parties appeared before the learned Additional District and Sessions Judge, Rohtak to get their statements recorded. Learned Additional District and Sessions Judge, Rohtak has submitted his report along with



copies of statements of the parties vide letter dated 08.10.2024 duly forwarded by the learned District and Sessions Judge, Rohtak on 09.10.2024.

A perusal of the above said report would show that the FIR was registered at the instance of the complainant against 4 accused persons. The fourth accused, namely, Omkar son of Paul Singh is not the party to the compromise. The remaining 3 accused persons/the present petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntarily and without any duress and coercion and out of their free will.

Learned counsel for the petitioners informs that there were total 4 accused including the present petitioners in the matter. However, only 3 accused persons are before this Court as petitioners and have got their statements recorded. As per report, there is no other case pending against the petitioners and they have never been declared proclaimed offender.

The Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*, has held that partial quashing of the FIR is permissible on the basis of compromise.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional



District and Sessions Judge, Rohtak, this Court finds that the matter has been amicably settled between the petitioners and respondent No.2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052***, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543***, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding

the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another, 2022(2) Cri. CC 179*, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No.1 dated 03.1.2022 (Annexure P-1) under Sections 498-A, 406, 323, 376, 511, 377, 506, 34 IPC (Section 377 IPC has been deleted), registered at Police Station IMT Rohtak, District Rohtak and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

12.12.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No