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**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CRM-M-51873-2022
Decided on: 15.05.2024

Shubham @ Shumbham Rana

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Vijay Partap Singh, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Kapil Kumar, Advocate
for respondents No.2 to 4.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 482 Cr.PC seeking quashing of FIR No.1493 dated 11.10.2017 under Sections 148, 149, 323, 324, 325 IPC (Sections 148 and 149 IPC was struck off and Section 34 IPC was added later on) registered at Police Station Jagadhri City, on the basis of compromise deeds dated 02.06.2022 and 19.09.2022 (Annexures P-2 and P-3) along with all the consequential proceedings arising therefrom including order dated 29.10.2019 (Annexure P-4) whereby petitioner had been declared as proclaimed person.

2. Learned counsel appearing for the petitioners submits that subsequent to the registration of FIR in question (Annexure P-1), the parties with the intervention of respectables have amicably resolved all



the disputes and hence, continuation of criminal proceedings would serve no useful purpose.

3. Learned counsel for respondents No.2 to 4 has not disputed the submissions made by the counsel opposite and has also not opposed the prayer for quashing of the FIR in question on the basis of compromise arrived at between the parties.

4. Learned State counsel has, however, opposed the prayer made by the learned counsel for the petitioner for quashing of the FIR in question on the basis of compromise so affected between them. While drawing the attention of this Court to the allegations levelled in the FIR in question, she has submitted that the petitioner has been attributed a gandas blow on the forehead of the injured, along with co-accused Akshit, who was armed with an iron rod. Learned State counsel has also informed the Court that no doubt, the co-accused had been declared innocent, however, one other co-accused Abhishek, who too had actively participated in the crime in question and had also been attributed an identical role, was not a party to the compromise so affected between the complainant and the petitioner.

5. On a pointed query put to the learned counsel for the petitioner as to how the FIR in question could be partially quashed to the exclusion of accused Abhishek, with whom admittedly no compromise had been affected by the complainant, it was asserted by the learned counsel for the petitioner that it was within the discretion of the complainant to decide with whom to compromise and furthermore, the complainant could



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not be pressured into compromising a dispute with all the accused.

6. Heard learned counsel for the parties and perused the relevant material available on record.

7. A perusal of the allegations levelled in the FIR reveals that the petitioner Shubham Rana has been attributed a *gandasi* blow on the left side of the forehead of the complainant whereas co-accused Abhishek has also been attributed a rod blow on the back side of the head of the complainant. In the circumstances, it is unequivocally indicative that the role of accused Abhishek is almost similar to the role, which has been attributed to the petitioner in the crime in question.

8. Quashing of an FIR, even partially, based on a compromise possesses significant dangers, especially when all accused have been attributed identical roles, and some manage to secure a compromise with the complainant through pressure, undue influence or coercion. It is crucial to recognize that influential or financially powerful offenders/accused could evade justice by securing compromises leaving less influential co-accused to face trial. Another troubling scenario is when the main perpetrator of the crime manages to compromise with the complainant, while those with minor roles or even those named in the disclosure statements of co-accused are left to face trial without the possibility of a compromise.

9. Such outcomes undermine the pursuit of justice and the spirit of compromise, effectively rendering the provisions of Section 482 Cr.PC meaningless. While Hon'ble the Supreme Court has, in exceptional cases,



partially quashed FIRs and criminal proceedings based on a compromise with some accused, these decisions were made under the peculiar facts and circumstances of that particular case and no general rule to that effect was laid down by Hon’ble the Supreme Court. No doubt, there can be no blanket prohibition against partial quashing of FIRs or criminal proceedings, however, each case must be evaluated on its distinct facts and circumstances to determine whether partial quashing of the FIR would be appropriate or not.

10. Ultimately, every law must derive its legitimacy from pursuit of justice, and justice must always be the end goal. The power under Section 482 Cr.PC, thus, must be exercised with caution and restraint, always considering the broader social impact of such exercise of power.

11. In the facts and circumstances of the case, this Court is not inclined to quash the FIR in question on the basis of a compromise arrived at between the complainant and the petitioner to the exclusion of co-accused Abhishek. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No