

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-46519 of 2023
DATE OF DECISION :- 12.02.2024**

Parhlad and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sawan Choudhary, Advocate for the petitioners.
Ms. Mahima Yashpal, DAG, Haryana.
Mr. Vishwajeet Mehla, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.0056 dated 23.03.2018 under Sections 323,34,406,498-A,506 of IPC, registered at Police Station Women Police Station, District Jind and all consequential proceedings arising therefrom on the basis of compromise dated 17.08.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 12.10.2023, the following order was passed:

“1. The petitioners are seeking to quash FIR No. 56 dated 23.03.2018 under Sections 323, 34, 406, 498-A, 506 IPC registered at Police Station Women, District Jind on the basis of compromise.

2. Learned counsel for the petitioners contend that the FIR was registered against the petitioners and two other relatives, who were found innocent and challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 about two years prior to the registration of the FIR and no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The petitioner No.1 and respondent No.2 have resumed cohabitation. The respondent No.2 is happily residing with petitioner No.1 in her matrimonial house.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

5. Mr. Vishwajeet Mehla, Advocate has put appearance on behalf of respondent No.2 and has acknowledged the fact of compromise.

6. Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 07.11.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arraigned as accused in FIR.

2. Whether any accused is 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 case or not.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

7. To await the report, adjourned to 13.12.2023.”

3. Pursuant to the aforesaid order, report dated 01.12.2023 from Judicial Magistrate Ist Class, Jind has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I have also questioned the parties about the voluntariness of their statement. From the statement of the parties including complainant, accused and IO, I am satisfied that the compromise entered between the parties is genuine, voluntary and without any coercion or undue influence. The compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. As per IO, accused in the present case are Prahlad and Kanta. The accused have not been declared P.O. in any case. No other case is pending against the accused persons. There is only one complainant/victim namely Sweety. The statements of the complainant, accused and the IO have been recorded which are attached alongwith report as desired.”

4. Learned counsel for respondent No. 2 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.

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 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 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.0056 dated 23.03.2018 under Sections 323,34,406,498-A,506 of IPC, registered at Police Station Women Police Station, District Jind and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 17.08.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

(SUMEET GOEL)
JUDGE

12.02.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No