

Sr. No.291

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

CRM-M-54166-2023
Date of decision: 22nd February, 2024

ANIL KUMAR @ VIJAY **.....Petitioner**

versus

STATE OF HARYANA AND OTHERS **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. D.P.S. Joura, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Dhruv Kaushik, Advocate for
for respondent Nos.2 and 3.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.099 dated 16.05.2023, under Sections 323, 354-A, 354-B, 376, 511 and 506 IPC, registered at Police Station Odhan, District Sirsa (Annexure P-1) on the basis of a compromise dated 13.10.2023 executed between the parties (Annexure P-2).
2. Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2/complainant on account of a misunderstanding. Now, the parties have executed compromise dated 13.10.2023 (Annexure P-2).
3. Learned State counsel has not raised any objection regarding the acceptance of the present petition.
4. Learned counsel appearing on behalf of respondent Nos.2 and 3 has confirmed the factum of compromise between the parties and submits that he has

no objection if the present FIR against the present petitioner is quashed by this Court.

5. On 07.11.2023, the following order was passed by the Coordinate Bench of this Court and the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements.:-

“XXXXXX

Learned counsel for the petitioner would contend that the allegations in the FIR were that the petitioner had torn the clothes of the complainant and had touched her inappropriately. Learned counsel would further contend that there were no allegations of attempt to rape even in the FIR. Learned counsel would further contend that the parties have since compromised the matter and the same has been reduced into writing on 13.10.2023 (Annexure P-2). Learned counsel for the petitioner has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Vikas Bishnoi, Advocate accepts notice for respondent Nos.2 and 3. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent Nos.2 and 3 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent Nos.2 and 3 have no objection if the aforesaid FIR is quashed.

List on 14.02.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 07.12.2023, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A

report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromise dated 13.10.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

6. Pursuant to the aforesaid order, Sh. Vikas Yadav, Judicial Magistrate First Class, Dabwali, has sent a report, through District and Sessions Judge, Sirsa, with the following observations:-

- “1. On 07.12.2023, prosecutrix/complainant, injured Bimla and accused Vijay alias Anil Kumar appeared before the court and their statements were recorded. Prosecutrix/ complainant and injured Bimla have made a statement that the matter has been compromised with the accused Vijay alias Anil Kumar. They further stated that they have entered into the said compromise with their own free will, and they have no objection if the present FIR No.99 dated 16.05.2023 is quashed.*
- 2. The statement of the accused person namely Vijay alias Anil Kumar was also recorded. He also stated that the matter has been compromised with the complainant and injured.*
- 3. The prosecutrix/complainant and injured Bimla were duly identified by their counsel Smt. Poonam Sharma, Advocate and accused Vijay alias Anil Kumar was duly identified by his counsel Shri Mukesh Godara, Advocate.*
- 4. It appears that the compromise arrived between the parties is genuine, voluntary and without any coercion and undue influence and with their own free will and for benefit of all the parties.*
- 5. As per the statement of SI Jagar Singh No.311/BWN, P.S Odhan there is no other proceedings pending against both the parties and no proclamation proceedings are pending against either party.”*

7. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others**

compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice."

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

8. Keeping in view fact that the compromise is genuine and voluntary and the parties do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

9. Consequently, the present petition is allowed and FIR No.099 dated 16.05.2023, under Sections 323, 354-A, 354-B, 376, 511 and 506 IPC, registered at

Police Station Odhan, District Sirsa (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>