

Date of Decision : April 04, 2024

.....Respondent(s)

SAPNA GOYAL
2024.04.09 10:11
I attest to the accuracy and
integrity of this document

*compromised vide compromise dated 25.09.2023
(Annexure P-2).*

Notice of motion for 04.04.2024.

*Mr. Ramesh Kumar Ambavta, AAG, Haryana, who
is present in Court accepts notice on behalf of respondent
No.1-State.*

*Mr. Adarsh Kumar Dubey, Advocate appears for
respondent No.2 and admits the fact of there being
compromise between the parties.*

*In view of the above, the parties are directed to
appear before learned Illaqa Magistrate/trial Court on
20.02.2024.*

*On their doing so, the learned Illaqa
Magistrate/Duty Magistrate/trial Court shall record their
statements and furnish its report to this Court by the next
date of hearing on the following aspects:-*

*1. Number of persons arrayed as accused in the
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.*

*A copy of the report be also sent to the Registrar
Judicial of this Court.*

*Needless to say that in case for any reason the
statements are not recorded on the aforesaid date, the
learned Illaqa Magistrate/Duty Magistrate/trial Court
shall be at liberty to call the parties on any other date but
not later than a week thereafter.”*

3 Pursuant to the aforesaid order, report dated 02.03.2024

from Judicial Magistrate 1st Class, Rewari has been received, which is

taken on record. As per the report, the Trial Court has recorded as follows:-

“I have the honour to submit that vide Order dated 11.01.2024 passed by Hon'ble Punjab & Haryana High Court in CRM-M-56371 of 2023 the Illaqa/Duty Magistrate was directed to submit a report with regard to the genuineness of compromise on or before the date fixed i.e. 04.04.2024.

In this regard, it is humbly submitted that on 20.02.2024 the statements of the parties have been recorded in compliance with order dated 11.01.2024 passed by Hon'ble High Court. The parties stated that they have compromised the matter in dispute. As per compromise, there is no dispute between the parties now. They prayed for quashing the above said FIR.

Statement of IO is also recorded on 01.03.2024 and as per her statement, FIR No. 234 dated 27.07.2022 was registered against one person and challan was filed against only one person namely Jitender @ Jeetu S/o Dinesh. As per their record, there is one another case bearing FIR No 235/2022 under sections 195A, 323, 341, 506 IPC is pending against him and no proclamation proceedings is pending against the accused Jitender.

In view of the statement of the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise is genuine. The report is accordingly submitted for the kind perusal of Hon'ble Court.”

4 Learned counsel for respondents 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 petitioner is 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 recognizing compromise between parties in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, 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 wiser 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) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra) i.e. heinous offence.
- (ii) The offences alleged are 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.234 dated 27.07.2022 registered under Sections 294, 323, 365, 506 and 511 of IPC, 1860at Police Station Khol, Rewari and all proceedings arising therefrom are hereby quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

04.04.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No