

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

Sr. No.235**CRM-M-58812-2023****Date of decision : 09.02.2024****Nancy Yadav and another****..... Petitioners****Versus****State of Haryana and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. B.K. Bhangu, Advocate for
Mr. R.D. Yadav, Advocate, for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. A.K. Sharma, Advocate,
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.299 dated 25.10.2023, registered for the offences punishable under Sections 195-A, 34, 341 and 506 of IPC, 1860 at Police Station Kosli, District Rewari, on the basis of compromise/affidavit dated 15.11.2023 (Annexure P-2).

2. On 22.11.2023, the following order was passed:-

“The present petition has been filed for quashing of FIR No.299 dated 25.10.2023 registered under Section 195-A, 34, 341 and 506 IPC at Police Station Kosli, District Rewari and all subsequent proceedings on the basis of compromise.

Notice of motion for 09.02.2024.

On asking of the Court, Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the State. Mr. Ajit Kumar Sharma,

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Advocate, accepts notice on behalf of the complainant-respondent No.2.

Learned counsel for the petitioners is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaqa Magistrate on 12.12.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.”

3. Pursuant to the aforesaid order, report dated 06.12.2023 from Sub-Divisional Judicial Magistrate, Kosli has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

4. I have inquired from both the parties, especially from complainant side who has stated that the compromise has been arrived at with the accused persons and the same is not due to any threat, coercion and undue influence from the accused side and is a volunteer act of the parties.

5. So, in view of the aforesaid facts, I am of the

considered view that the compromise effected between the parties is without any pressure or coercion from either of the sides and is a volunteer act of the parties.

6. It is further submitted that vide order dated 22.11.2023, information has also been sought from undersigned as to whether any of the petitioner has been declared as proclaimed offenders in this case or not. In this regard, it is submitted that none of the accused have been declared as proclaimed person in this case.”

4. Mr. A.K. Sharma, Advocate appears for respondent No.2 and 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. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 Cr.P.C. to quash proceedings 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 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) *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.299 dated 25.10.2023, registered for the offences punishable under Sections 195-A, 34, 341 and 506 of IPC, 1860 at Police Station Kosli, District Rewari and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

09.02.2024

Ramandeep Singh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No