

2024:PHHC:029056

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

285

**CRM-M-61795-2023**

**Date of decision: 29.02.2024**

Dinesh

....Petitioner

V/s

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr.Lokesh Sharma, Advocate, for the petitioner.

Ms. Ankita Ahujka, AAG, Haryana.

Mr.Shaveta Sanghi, Advocate for respondent No.2.

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**SUMEET GOEL, J. (ORAL)**

1. By way of present petition, the petitioner is seeking quashing of FIR No.46 dated 16.05.2019 under Sections 354-A, 406, 498-A, 506 and 34 of IPC, 1860 registered at Police Station, Women Police Station, District Rohtak and all consequential proceedings arising therefrom on the basis of compromise/affidavit, which is stated to have been effected between the parties.

2. On 08.12.2023, the following order was passed:

*"The present petition has been filed for quashing of FIR No.46 dated 16.05.2019 (Annexure P-1) under Sections 354-A, 406, 498-A, 506 and 34 IPC, 1860 registered with Police Station, Women Police Station, District Rohtak and all other consequential proceedings arising therefrom, as the parties have amicably settled the matter.*

*Learned counsel for the petitioner stated that parties have settled their dispute and have filed petition under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-2) and first motion statement has been recorded on 23.10.2023 (Annexure P-3). Both the parties have agreed not to proceed further with the FIR in question.*

*Notice of motion.*

*Mr. Ranvir Singh Arya, learned Addl. AG, Haryana appears and accepts notice on behalf of respondent No.1-State of Haryana. Mr. Sumit Sharma, Advocate appears and files power of attorney on behalf of respondent No.2 in Court today, same is taken on record subject to just exceptions and accepts notice on behalf of respondent No.2/complainant. He does not dispute the above said fact regarding compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.*

*Keeping in view the above, the parties are directed to appear before the learned trial Court/Illaq Magistrate for recoding of their statements with regard to the compromise on 25.01.2024 or any other date convenient as may be given by learned trial Court by moving an appropriate application or by presenting copy of this order. The learned trial Court/Illaq Magistrate, Rohtak is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a 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 FIR or not; and the Statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court.*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victims/complainant as well as accused are party to the compromise in question.*

*List on 29.02.2024, for awaiting report.”*

3. Pursuant to the aforesaid order, report dated 03.02.2024 from Civil Judge, (Jr. Div.)-cum-JMIC, Rohtak, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“1. Five persons namely Dinesh, Satyanarain, Dimple, Vinod and Kailashwati were arrayed as an accused in the present FIR. However, challan under section 173 Cr.P.C. has been filed against accused namely Dinesh and remaining four accused namely Satyanarain, Dimple, Vinod and Kailashwati were found to be innocent by the police and were kept in column no. 12 of the challan.*

*2. Accused has not been declared Proclaimed Offender.*

*3. The compromise entered between the parties is genuine, voluntary and without any coercion or undue influence.*

*4. The accused is not involved in any other FIR as per statement of ASI Asha. Statement of complainant/Victim/aggrieved person namely Anjaly has been recorded.*

*5. As per the statement of ASI Asha no. 1548, Police Station Women, Rohtak, there is only one victim/complainant in the present FIR whose name is Anjaly and the complainant/victim Anjaly and accused Dinesh are party to the compromise.*

*Hence, in compliance of order dated 08.12.2023 of the Hon'ble Punjab and Haryana High Court, I, hereby submit original statements of complainant Anjaly, accused Dinesh and ASI Asha no. 1548 for its onward submission to the Hon'ble High Court.”*

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated that he has 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 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.46 dated 16.05.2019 under Sections 354-A, 406, 498-A, 506 and 34 of IPC, 1860 registered at Police Station, Women Police Station, District Rohtak and all consequential proceedings arising therefrom, on the basis of compromise/affidavit, are, hereby, quashed qua the petitioner.

**(SUMEET GOEL)**  
**JUDGE**

**February 29, 2024**  
***poonam***

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |