

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

284

CRM-M-64694-2023  
Date of decision: 13.08.2024

MANISH SHARMA ALIAS MANISH  
V/s  
....PETITIONER

STATE OF HARYANA AND ANOTHER  
....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ram Kumar Saini, Advocate  
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Ms. Hardeep Kaur, Advocate  
for respondent No.2.

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SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.564 dated 11.05.2022 under Sections 120-B, 406, 498-A, 506 of IPC (later on Section 323 of IPC and deleted Section 120-B and 34 of IPC) registered at Police Station Hisar Sadar, District Hisar and all consequential proceedings arising therefrom on the basis of compromise dated 20.11.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 11.01.2024, the following order was passed:

“CRM-286-2024  
The present application has been filed by the petitioner making prayer for directing the petitioner as well as respondents to get their statements recorded before the learned trial Court.  
At this stage, Mr. Rose Gupta, Advocate has filed Memorandum of appearance for respondent No.2, which is taken on record. He has made the similar request.  
Keeping in view the joint request made by learned counsel for both the parties and further prayer made in the petition that the parties are seeking quashing of FIR on the basis of a settlement arrived at between them before the Learned Family Court Hisar, the application is allowed.  
CRM-M-64694-2023  
With the consent of learned counsel for the parties, the main case is taken on Board today itself.

*This petition has been filed for quashing of FIR No.564, dated 11.05.2022 registered under Sections 120-B, 406, 498-A and 506 of IPC(Section 323 added later on and Section 120-B and 34 of IPC deleted later on) at Police Station Hisar Sadar, District Hisar along with all consequential proceedings arising therefrom, on the basis of Compromise dated 20.11.2023 (Annexure P-2) arrived at between the parties.*

*Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed person(s).*

*Notice of motion.*

*Mr. Arjun Lakhanpal, Addl., A.G., Haryana, accepts notice on behalf of respondent No.1-State and Mr. Rose Gupta, Advocate accepts notice on behalf of respondent No.2 and has filed his Memorandum of Appearance. The same is taken on record. He has admitted the factum of compromise effected between the parties.*

*The parties and Investigating Officer are directed to appear on or before the Illaqa Magistrate/trial Court on 07.03.2024 for getting their statements recorded with regard to the compromise.*

*The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-*

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

*Report of Illaqa/Duty Magistrate be awaited for 08.04.2024. ”*

3. Pursuant to the aforesaid order, report dated 21.03.2024 from Additional Chief Judicial Magistrate, Hisar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case:-*

*As per the statements of parties and IO, ASI Sunita, present FIR was got registered by complainant Priti/ Preeti Kumari against three persons, ie, her husband Manish, father-in-law Rajbir Sharma and mother-in-law Vijay Luxmy. As stated by IO, during investigation, accused Rajbir Sharma and Vijay Luxmy were found to be innocent and no accused has been absconding nor is any accused, a proclaimed person in this case. Accused Manish Sharma appeared before this Court and made statement regarding A compromise betwee parties.*

*2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise:-*

*As per statements of parties and ASI Sunita, there is only one victim/ injured/aggrieved in this case i.e. complainant Priti/ Preeti Kumari, whose statement has been recorded in support of compromise.*

*3. The stage of trial/proceeding pending.*

*As per the statement of ASI Sunita, the case is at the stage of investigation, challan has not yet been submitted in this case before the court, by police as investigation against accused Manish is pending.*

*4. If compromise is genuine, voluntary and out of free will of the parties?*

*Complainant Priti Kumari and accused Manish Sharma stated that they have compromised the matter of their free will, without any undue influence or pressure and that the compromise is genuine and voluntary. They stated that as per the compromise, they have filed a case for divorce by mutual consent in Family Court Hisar on 20.11.2023, Manish would pay Rs.15 lakhs to Preeti as maintenance/ alimony, he had paid her Rs.7.5 lakhs, and would pay her the remaining amount on second motion ie 22.5.2024. However, complainant Preeti further stated that Manish had filed a petition for quashing of FIR before Hon'ble High Court, but she had objection to quashing of the FIR because as per their compromise, Manish had to repay the loan taken for purchase of flat in their joint names, and thereafter she would execute sale deed of her share in name of Manish. She stated that Manish had not yet complied with the said condition by repayment of loan. She further stated that if Manish repays the loan, she has no objection to quashing of FIR against him and his parents and in that case, she would not want any further proceedings against them. However, if he does not repay the loan, she would pursue further proceedings against him.*

*5. Whether any criminal case pending against the accused?*

*As per statement of accused Manish, no other criminal case is A pending/registered against accused him and his parents in any Court or police station. As per statement of IO/ASI Sunita, as per police records, no other criminal case is pending/registered against any of the accused against who present FIR was registered."*

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 (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 the Hon'ble Apex Court has repeatedly dealt

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 the Hon'ble 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.564 dated 11.05.2022 under Sections 120-B, 406, 498-A, 506 of IPC (later on Section 323 of IPC and deleted Section 120-B and 34 of IPC) registered at Police Station Hisar Sadar, District Hisar and all consequential proceedings arising therefrom on the basis of compromise dated 20.11.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)  
JUDGE

August 13, 2024  
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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |