



125

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

**CRM-M-22105-2023 (O&M)
Date of decision : 20.02.2025**

Sanjeet Singh

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.
Mr. Harsh Raheja, Advocate for respondent No. 2-victim-
Mahima(*de-facto*-complainant-Shakuntala Devi has expired)

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), 1973 for quashing of FIR No.717 dated 17.12.2018, under Sections 323, 506 of Indian Penal Code, 1860, registered at Police Station Civil Lines, Hisar and all consequential proceedings arising therefrom on the basis of compromise dated 21.04.2023 (P-1), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that petitioner threatened to kill *de-facto*-complainant and her granddaughter; abused and also assaulted them on 05.10.2018.

3. Contends that matter has been amicably settled between the parties, i.e. petitioner as well as respondent No.2; hence FIR in question as well as subsequent proceedings deserve to be quashed.



4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioner.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with subsequent proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. A Co-ordinate Bench, while issuing notice of motion on 02.05.2023, passed the following order:-

“ Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 717 dated 17.12.2018 registered under Sections 323 and 506 of the Indian Penal Code at Police Station Hisar Civil Lines, District Hisar and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-1).

Learned counsel for the petitioner submits that the dispute has been amicably settled between the private parties in terms of the compromise (Annexure P-1).

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, who is present in the Court accepts notice on behalf of respondent No.1-State and seeks time to file reply/status report.

Mr. Harsh Raheja, Advocate has put in appearance, filed power of attorney on behalf of respondent No.2-victim (as complainant has expired) which is taken on record, accepts notice on his behalf and admitted the factum of compromise.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court to get their statement(s) recorded with regard to compromise/settlement within a period of 30 days from today.



The learned Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arraigned as accused in 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 and apprise this court about the stage of proceedings?*

The report of the Illqa Magistrate/trial Court be awaited for 13.07.2023.

Status report/reply on behalf of State be also filed on the adjourned date.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 19.05.2023 has been received from learned Judicial Magistrate First Class, Hisar. For reference, the operative part of report reads as under:-

“ (i)It is submitted that as per the statement of IO there is only one accused person namely Sanjeet Singh s/o Sh. Bhim Singh r/o H.No. 1131, Sector 3, Rohtak involved in the present case. There is no other accused in the present case FIR. After completion of the investigation of the present case, challan u/s 173 Cr.P.C. was submitted against the accused namely Sanjeet Singh on 08.04.2019 for commission of offence punishable under Section 201, 323, 506 IPC.

(ii) As per the statement of IO/ASI Krishan Kumar No.391/HSRm the accused has not been declared as proclaimed offender in the present case.



(iii) After careful perusal of the statements given on solemn affirmation by the victim namely Mahima as well that of accused Sanjeet Singh, the undersigned is convinced that the abovesaid persons have made their statements voluntarily, without any pressure, threat or inducement. The compromise entered into between the parties is genuine. Further, the compromise appears to be free from fraud or misrepresentation.

(iv) As per the statement suffered by IO, present accused is not involved in any other case except the present case.

(v) It is submitted that as per statement suffered by IO/ASI Krishan Kumar there are two victims in this case namely Shakuntala Devi and Mahima. However, the complainant namely Shakuntala Devi died on 27.07.2021 as per the death certificate placed on the file.”

A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

9. Hon’ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the



High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.



11. Consequently, present petition is allowed; aforesaid FIR along with all subsequent proceedings resulting therefrom are quashed *qua* the petitioner.

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

20.02.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>N</i>
				<i>o</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>N</i>
				<i>o</i>