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

**CRM-M-25021-2025
Date of Decision: 08.05.2025**

Samunder

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhal Singh Beniwal, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.102, dated 13.04.2023, under Section 376/376(2)(f)/376(3)/506 IPC and Section 6 of the POCSO Act, 2012 (Section 201 of IPC added later on) registered at Police Station Uklana, District Hisar along with the subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties vide Annexure P-2.

2. The contents of the FIR as so attached by the petitioner vide Annexure P-1 are reproduced as under:-

*“To the SHO Sahab, Police Station Uklana, (Hisar) Sir,
the request is that I am Santosh wife of Ramphal caste
Dhanak, permanent resident of village Khairi. I had gone to
harvest wheat yesterday on 12.04.23. When I returned home
at around 08:00 PM, my daughter Muskan, whose age is 14
years, was found crying, then she told me that I was lying
under the berry tree at home at around 01:00 PM and my*



grandfather was sleeping in the outer room and my brother Gurjeet age 12 years had gone to the village to drop my uncle Bansi who is blind and my grandmother had gone to Uklana Mandi to get medicine. Then my uncle Samunder son of Surta came to the house and took me to the room and started doing wrong things forcibly. After a while when my brother Gurjeet came back home after leaving my uncle and he called me, my uncle covered my mouth and did not open the door. When he came out after doing wrong things with me, my brother asked my uncle that why you did not open the gate then he threatened my brother and said that if you tell anything about this to anyone then I will kill you and your sister. And then he threatened me and said that you should take bath with hot water and wash your clothes. Out of fear I took bath and washed my clothes and my uncle also took bath and washed clothes and left from there on his bike. Please take legal action against him. I am giving my application by coming to the police station today on 13.-04.23. Thank you. Applicant Santosh wife of Ramphal M.No. 9812553226xxxx"

3. Learned counsel for the petitioner submitted that the aforesaid FIR was registered in the year 2023 and now after about two years, the matter has been settled between the parties and the compromise is attached as Annexure P-2 and apart from the above, the material witnesses have not supported the prosecution version and have turned hostile and even the victim has so deposed before the Court that nothing had happened with her and considering the aforesaid facts and circumstances, the present FIR may be quashed on the basis of compromise.

4. I have heard the learned counsel for the petitioner.

5. A perusal of the aforesaid FIR would show that the victim was of



the age of 14 years at the time of occurrence and as per the allegations contained in the FIR which was lodged by the mother of the victim, the petitioner, who is stated to be uncle of the victim had committed the offence. In the present case, provisions of Sections 376, 376(2)(f), 376(3)/, 506 & 201 IPC and Section 6 of the POCSO Act, 2012 pertaining to serious and heinous offences have been invoked. It was the submission made by learned counsel for the petitioner that since the witnesses have turned hostile during trial the FIR may be quashed based upon compromise. However, this Court is not able to agree with the learned counsel for the petitioner on the ground that only because the witnesses have turned hostile, the FIR can be quashed by adopting the short method based upon purported compromise. A perusal of the purported compromise which is so attached as Annexure P-2 would show that it is an affidavit of the complainant in which she had deposed that she is fully satisfied with her daughter and have come to a compromise through Panchayat and she has got no objection in case the bail is granted to the petitioner. Therefore, on the face of it, the aforesaid affidavit is only pertaining to grant or non-grant of bail.

6. Apart from the above, the issue as to whether FIR can be quashed on the basis of compromise in case of serious and heinous offences has been dealt with by Hon'ble Supreme Court in "**State of Madhya Pradesh Vs. Laxmi Narayan and others**", 2019(2) SCC (Criminal) 706. The relevant portion of the aforesaid judgment is reproduced as under:-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1 that the power conferred under Section 482 of



the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2 such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4 offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the



High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a



compromise etc.”

7. Therefore, the law in this regard is no longer *res integra*. It is not the case of learned counsel for the petitioner that the petitioner has subsequently married the victim which otherwise could not be possible because the petitioner is stated to be uncle of the victim and the age of the petitioner is 30 years whereas the age of the victim is 14 years. It was held by Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others case (Supra)*** that in such serious and heinous offences there can be no quashing of the FIR based upon compromise. Such kind of affidavit (Annexure P-2) otherwise also cannot be termed as compromise between the parties and cannot become basis for quashing of the FIR based upon compromise. It will be rather travesty of justice to quash an FIR by adopting a short-cut method in such like cases notwithstanding the fact that the material witnesses turned hostile.

8. This Court is therefore of the considered view that the present petition is not only non-maintainable in view of the authoritative judgment of Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others case (Supra)***, but also it lacks merits. Apart from that it is totally a vexatious petition and rather this Court is of the considered view that quashing of an FIR in such like cases based upon compromise would lead into miscarriage of justice and would be an antithesis of the basic criminal jurisprudence.

9. Consequently, the present petition is hereby dismissed with ₹25,000/- (Rupees Twenty Five Thousand Only) as costs which shall be deposited by the petitioner before learned Addl. Sessions Judge, Fast Track Court, Hisar/trial Court within a period of 3 months from today. In case the



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aforesaid amount is not deposited by the petitioner, then learned Addl. Sessions Judge, Fast Track Court, Hisar shall ensure that the same is recovered from the petitioner in accordance with law.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

08.05.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No