



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRM-M-38025-2024
Date of decision: 10.01.2025

ANIL

....PETITIONER

V/s

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Nishant Hooda, Advocate
for respondent No.2.

SUMEET GOEL, J.

The present petition has been filed on 02.08.2024 under Section 482 of Cr.P.C. for quashing of FIR.

As per the judgment rendered by this Court titled as '*Abhishek Jain Vs. State of U.T. Chandigarh and another (CRM-M-31808-2024:2024:PHHC:085784)*', the present petition is not maintainable under Section 482 of Cr.P.C. for quashing of FIR. However, keeping in view the entirety of facts and circumstances of the case especially that the present petition pertains to quashing of FIR on basis of compromise, the present petition is directed to be considered as a petition under Section 528 of BNSS, 2023.

1. By way of present petition, the petitioner is seeking quashing of FIR No.158 dated 30.06.2020 under Sections 279, 336, 427 of IPC, registered at Police Station Jui Kalan, District Bhiwani, Haryana and all consequential proceedings arising therefrom on the basis of compromise



dated 29.07.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 28.08.2024, the following order was passed:

“Status report filed by respondent-State is taken on record, subject to just exceptions.

Let statements of petitioner and respondent No. 2 be recorded with regard to compromise, on or before 20.09.2024 by learned Illaqa/Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, Court will send copies of same to this Court before next date of hearing along with its report i.e,

1. The number of accused in the aforesaid FIR and to report whether any of accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against him/them.

2. Whether compromise entered between the parties is genuine, voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner in any other FIR.

4. Status of trial pending before the Court concerned.

To await the report, list again on 15.10.2024.

Status report be also filed by respondent – State by the adjourned date.”

3. Pursuant to the aforesaid order, report dated 09.09.2024 from Additional Chief Judicial Magistrate, Bhiwani, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“4. On 07.09.2024, Investigating Officer SI Jagdish Kumar, presently posted at Police Station Loharu, appeared and suffered a statement that he is the Investigating Officer in this case. There is only one accused namely Anil son of Jaibir. He has not been declared proclaimed person/offender in this case or any other case and no such proceedings are pending and have never been initiated against him. No other case has been registered against the accused Anil.

5. In view of the aforesaid submissions of parties named above, this Court is of the opinion that the compromise between the parties (petitioner and respondent) named above, is voluntary and genuine as well as outcome of free consent of parties, and without any pressure, fear and greed etc. It is further submitted that as per the statement of investigating officer, there is only one accused in the present case and that accused has never been declared proclaimed offender/person in any case and no such proceedings have been initiated or pending. The accused



has not been involved in any other FIR. Present case is pending in this Court for 05.02.2025 for prosecution evidence.”

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 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 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 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 of 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.158 dated 30.06.2020 under Sections 279, 336, 427 of IPC, registered at Police Station Jui Kalan, District Bhiwani, Haryana and all consequential proceedings



arising therefrom on the basis of compromise dated 29.07.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

January 10, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No