



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CRM-M-38312-2024

Date of decision: 14.01.2025

RAM BHAGAT AND OTHERS

....PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Makkar, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

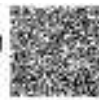
Mr. Amit Kumar, Advocate
for respondent Nos.2 to 6.

SUMEET GOEL, J.

The present petition has been filed on 06.08.2024 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 petitioners are seeking quashing
of FIR No.264 dated 24.12.2023 under Sections 148, 149, 323, 452, 506 of
IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar and all
consequential proceedings arising therefrom on the basis of compromise



dated 05.07.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 08.08.2024, the following order was passed:

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.264 dated 24.12.2023 (Annexure P-1) registered under Sections 148, 149, 323, 452, 506 IPC at Police Station Sadar Bahadurgarh, District Jhajjar and all other consequential proceedings arising therefrom, on the basis of compromise dated 05.07.2024 (Annexure P-2) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 05.07.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Parveen Aggarwal, DAG, Haryana who is present in Court accepts notice on behalf of respondent No.1-State. Mr. Amit Kumar, Advocate accepts notice on behalf of respondent Nos.2 to 6 and has filed his power of attorney. The same is taken on record. He does not dispute the above said 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.

Adjourned to 13.01.2025.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement on 21.10.2024 with regard to the compromise/settlement dated 05.07.2024 (P- 2) by moving an appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated format:-

- 1. Number of persons arrayed 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*
- 5.The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”



3. Pursuant to the aforesaid order, report dated 04.11.2024 from Sub Divisional Judicial Magistrate, Bahadurgarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

(i) As per the present FIR total five accused namely (i) Rekha W/o Parmod, (ii) Poonam W/o Manoj, (iii) Ram Bhagat S/o Dharam Singh, (iv) Parmod S/o Ram Bhagat and (v) Manoj S/o Ram Bhagat are arrayed as accused in the present case.

(ii) As per the statement of Investigating Officer, there is no Proclaimed Offender in the present case.

(iii) The statement of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise have been recorded and the same seems to be genuine, voluntary and without any coercion or undue influence.

(iv) As per the statement of Investigating Officer, no other FIR is pending against the accused persons.

(v) The statement of the complainant and all the victims/persons aggrieved have been recorded in the present case.

(vi) The Statement of Investigating Officer has been recorded, according to which there are five victims/complainants in the present FIR namely Naresh, Rakesh, Shallender, Surender and Jai Parkash and all the victims/complainant and accused Rekha, Poonam, Ram Bhagat, Parmod and Manoj are party to the compromise in question.”

4. Learned counsel for respondent Nos.2 to 6 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners 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.264 dated 24.12.2023 under Sections 148, 149, 323, 452, 506 of IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 05.07.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

January 14, 2025
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No