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

CRM-M-41366-2024 (O&M)

Date of decision : 09.04.2025

Aryan Kumar @ Arin Kumar

... Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Paras Jhamb, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Ishan Kheterpal, Advocate for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), praying for quashing of FIR No.0520 dated 05.08.2023 (P-1), under Sections 323, 506 and 148 read with Section 149 of Indian Penal Code, 1860, registered at Police Station Assandh, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise dated 26.07.2024 (P-3), entered into between the parties i.e. petitioner as well as respondent Nos.2 and 3.

2. Allegations are that the petitioner along with 20-25 unidentified persons formed an unlawful assembly and in prosecution of their common object inflicted injuries to Ashish, son of *de facto* complainant Sarita with their respective weapons and also criminally intimidated him with dire consequences.

3. Contends that matter has been amicably settled between the parties, i.e. petitioner as well as respondent Nos.2 and 3; hence FIR in question as well as consequential proceedings deserve to be quashed.



4. Learned counsel for respondent Nos.2 and 3 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 consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties i.e. petitioner well as respondent Nos.2 and 3.
6. Heard learned counsel for the parties and perused the paper-book.
7. A Co-ordinate Bench, while issuing notice of motion on 27.08.2024, passed the following order:-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.0520 dated 05.08.2023 registered under Sections 148, 149, 323, 506 IPC, 1860 at Police Station Assandh, District Karnal and all other consequential proceedings arising therefrom, on the basis of compromise dated 26.07.2024 (Annexure P-3) entered into between the parties.

The learned counsel for the petitioner submits that in order to live peacefully, parties have entered into compromise on 26.07.2024 (Annexure P-3), 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. Ishan Khetarpal, Advocate accepts notice on behalf of respondent Nos.2 and 3 and has filed his Vakalatnama. 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 22.01.2025.



Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement on 19.09.2024 with regard to the compromise/settlement dated 26.07.2024 (P-3) by moving an appropriate application or by presenting this order.

The Trial Court/Illaqa 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 petitioner shall deposit a cost of Rs.25,000/- with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 23.10.2024 has been received from learned Sub Divisional Judicial Magistrate, Assandh. For reference, the operative part of report reads as under:-

“Vide order dated 27.8.2024, passed by the Hon'ble Punjab and Haryana High Court in CRM-M-41366-2024 titled



as 'Aryan Kumar @ Arin Kumar Vs. State of Haryana and another', this Court has been directed to send the following information:-

(i) Number of persons arrayed accused in the FIR.

As per the report submitted by the IO, there is only one accused namely Aryan Kumar @ Arin Kumar in the present FIR.

(ii) Whether any accused is proclaimed offender?

As per the report submitted by the IO, accused person has been declared proclaimed offender in the present case.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

In compliance of the aforesaid order, both the parties i.e. complainant/victim- Sarita W/o Balbir Singh, victim person Ashish son of Balbir Singh and accused person- Aryan Kumar @ Arin Kumar son of Subash Chand appeared before the Court on 9.10.2024. Their statements were recorded, wherein they stated that they have compromised the matter voluntarily and now, there is no dispute between them and, therefore, FIR may be quashed. Both the parties were also asked if they have entered the aforementioned compromise voluntarily and without any influence or coercion, to which they answered in affirmative. It is further submitted that the compromise effected between the parties is genuine and valid.

(iv) Whether the accused persons are involved in any other FIR or not?

As per the report submitted by the IO, no other criminal case is pending against the accused Aryan Kumar @ Arin Kumar.

(v) The statements of the complainant and all the victim/persons aggrieved shall be recorded by the Trial Court?

As per the statement of the IO, the statement of the victim/person aggrieved has been record by the Trial Court.

(vi) The trial Court has been directed to record the statement of the IO as to 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.

As per the statement of the IO, there is only one complainant namely, Sartia W/o Balbir Singh and one victim namely Ashish son of Balbir Singh in the present FIR.”

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 consequential proceedings resulting therefrom are quashed *qua* the petitioner.

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

09.04.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No
Whether reportable : Yes / No