

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

302

CRM-M-46829-2024

Date of decision: 20.01.2025

ANIL @ ANIL SINGH AND ORS

...PETITIONERS

V/s

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajay Ghangas, Advocate
for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Ms. Harmanpreet Kaur Sahota, Advocate for
Mr. Nikhil Vats, Advocate
for respondents No.2 and 3.

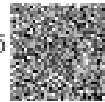
SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.346 dated 19.10.2023 under Sections 323/34/506 of the IPC (Sections 325/307 IPC added later on), registered at Police Station Assauda, Tehsil Bahadurgarh District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 13.09.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 23.10.2024, the following order was passed:

“The present petition has been filed seeking quashing of FIR No.346, dated 19.10.2023, under Sections 323/34/506 of the IPC (Sections 325/307 IPC added later on), registered at Police Station Assauda, Tehsil Bahadurgarh, District Jhajjar, and all the other consequential proceedings arising therefrom, on the basis of compromise deed dated 13.09.2024 (Annexure P-2).

Notice of motion.



Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent no.1 and waives service.

Mr. Nikhil Vats, Advocate, has caused appearance on behalf of respondents No.2 and 3, through a validly executed power of attorney in his favour. The same is taken on record. He submitted that he has no objection in case the FIR (supra) is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names. It is made clear that complainant/private respondents should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.*

To come up on 04.12.2024.

The State counsel is also directed to verify the factum of compromise by the date fixed, and also to file a reply to the instant petition, disclosing therein the reasons for inclusion of Section 307 IPC in the instant FIR.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

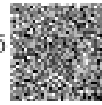
3. Pursuant to the aforesaid order, report dated 05.11.2024 from Civil Judge (Jr. Divn)-cum-Judicial Magistrate Ist Class, Bahadurgarh, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) As per the statement of investigating Officer, only four accused persons Anil, Abhimanyu, Krishan and Balraj are involved and have appeared before the Court in the present case.

(ii) As per the statement of Investigating Officer, accused persons are not absconding/P.O in the present case.

(iii) As per Ahlmad report, case is at the stage for awaiting of challan.

(iv) In my opinion, the compromise effected between the parties



is genuine, voluntarily and without any coercion or under influence.

(v) As per the statement of Investigating Officer, only victims namely Ankit and Ramesh.”

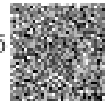
4. Learned counsel for respondent Nos.2 and 3 admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

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 :

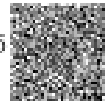
- (a) Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) However, wider the power greater the caution.*
- (c) The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between 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.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.



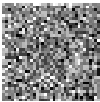
8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS,2023 to quash the FIR as :-

- (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.*
- (vi) *Reply dated 29.11.2024 in the form of an affidavit of Rajender Singh HPS. Assistant Commissioner of Police Bahadurgarh has been filed on behalf of respondent No.1-State of Haryana, relevant whereof reads as under:*

“That investigation was entrusted to SI Narender and he sought surgeon opinion and Surgeon gave his opinion that “patient injuries if left untreated can be dangerous to life”, thereafter under Section 307 IPC added in this case. Investigating Officer also recorded the statements of the witnesses and got prepared the scaled site plan of the place of occurrence.”

In view of the nature of the injury and the medical opinion regarding the same, this Court does not deem the invoking of Section 307 of IPC by the police to be an impediment in allowing the compromise petition in hand.

9. Consequently, the petition is allowed. FIR No.346 dated 19.10.2023 under Sections 323/34/506 of the IPC (Sections 325/307 IPC added later on), registered at Police Station Assauda, Tehsil Bahadurgarh District Jhajjar and all



consequential proceedings arising therefrom on the basis of compromise dated 13.09.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

January 20, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No