

# Jaivir vs State Of Haryana And Anr on 7 January, 2025

Neutral Citation No:=2025:PHHC:000361

CRM-M-57432-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-57432-2024

Date of decision: 07.01.2025

JAIVIR

....PETITIONER

V/s

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gulshan Nandwani, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Aayush Bansal, Advocate for  
Mr. Ketan Antil, Advocate  
for respondent No.2.

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SUMEET GOEL, J.

Reply by way of affidavit of Dr. Ravinder, HPS, Deputy Superintendent of Police, (HQ), Rewari has been filed on behalf of respondent-State. The same is taken on record.

1. The present petition has been filed under Section 528 of BNSS, for quashing of FIR No.316 dated 29.08.2024 under Sections 125(a), 281 of BNS, (Section 125-B BNS and Section 196 MV Act added later on) registered at Police Station, Rewari City, Rewari and all consequential proceedings arising therefrom on the basis of compromise dated 12.09.2024 (Annexure P-3), which is stated to have been effected between the parties. 2 On 19.11.2024, the following order was passed:

"Prayer in this petition is for quashing of FIR No.316 dated 29.08.2024, registered under Sections 125(a), 281 of the Bhartiya Nyaya Sanhita, 2003 (with Section 125-B of the BNS and Section 196 of the Motor Vehicles Act, 1988 added 1 of 5 Neutral Citation No:=2025:PHHC:000361 subsequently in the FIR) at Police Station Rewari City, District Rewari and all subsequent proceedings arising therefrom on the basis of compromise dated 12.09.2024 having been arrived at between the parties.

Notice of motion.

Mr. Karan Sharma, DAG, Haryana accepts notice on behalf of respondent-State.

Mr. Ketan Antil, Advocate has put in appearance on behalf of respondent No.2 and accepts notice. He also admits the factum of compromise arrived at between the parties. List on 07.01.2025 In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise/settlement on 02.12.2024 or any other convenient date to the Court.

The trial Court/Area Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. The number of persons arrayed as accused.
2. Whether any accused is/are proclaimed offender/s or proclaimed person/s.
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/criminal case.
5. The trial Court is also directed to record the statement of the Investigating Officer with regard to the number of victims/complainants and the accused in the present case."

3. Pursuant to the aforesaid order, report dated 13.12.2024 from Chief Judicial Magistrate, Rewari, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- "1. As per the statement of Investigating Officer there is only one accused namely Jaivir arrayed as accused in the present FIR.
2. None of the accused has been declared as proclaimed offender in the present FIR.
3. The compromise is genuine, voluntary and without any coercion or undue influence.
4. As per the statement of Investigating Officer accused is not involved in any other case
5. In the present FIR there is only one victim/complainant namely Neeraj son of Raj Kumar and only one accused namely Jaivir as per statement of Investigating Officer."

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the 2 of 5 Neutral Citation No:=2025:PHHC:000361 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-3).

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 3 of 5 Neutral Citation No:=2025:PHHC:000361 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

9. Consequently, the petition is allowed. FIR No.316 dated 29.08.2024 under Sections 125(a), 281 of BNS, (Section 125-B BNS and Section 196 MV Act added later on) registered at Police Station, Rewari City, Rewari and all consequential proceedings arising therefrom on the 4 of 5 Neutral Citation No:=2025:PHHC:000361 basis of compromise dated 12.09.2024 (Annexure P-3), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)  
JUDGE

January 07, 2025  
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Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No