



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-55682-2023

Date of decision: 28.08.2025

NARENDER @ GODU AND ANR

....PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kanwaljeet Singh, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. N.S. Sidhu, Advocate for

Mr. A.S. Dhillon, Advocate for respondent Nos.2 to 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.66 dated 13.05.2019 under Sections 307, 323, 34, 341, 427 and 506 of IPC and Sections 325 and 120-B of IPC added later on, registered at Police Station Nathu Sarai Chopta, District Sirsa and all consequential proceedings arising therefrom on the basis of compromise dated 13.09.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 30.07.2025, the following order was passed:

"In view of the judgment of a Division Bench of this Court in CRM-M No.48043 of 2023, titled Rakesh Das v. State of Haryana and another, decided on 12.11.2024, the parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioner shall appear before the trial Court/Illaq Magistrate concerned on 01.08.2025 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statements of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the



trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion. The trial Court/Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioner, arrayed in this petition?

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 28.08.2025.”

3. Pursuant to the aforesaid order, report dated 11.08.2025 from Additional District and Sessions Judge, Sirsa has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) Whether there is any other accused other than the petitioner, arrayed in this petition?



(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

In this regard, the statement of ASI Deepak Sharma No.1204/SRS Police Station Nathusari Chopta has been recorded separately in which he stated that accused namely Narender alias Godhu and Sunil Kumar were arrested in this case and accused Anil was kept in column no.2 of the charge-sheet. Challan/final report under Section 173 Cr.P.C. was filed on 14.08.2019. He further submitted that there is no other complainant or affected/aggrieved party other than Vikas, Harpal, Mahender, Karamvir and Pawan, out of which PW Karamvir and Pawan have expired in road side accident lateron. No proceedings regarding any proclamation against any of the accused are pending in any court.

From the statements of aforementioned prosecution witnesses and the accused persons namely Sunil Kumar and Narender alias Godhu, it appears that the parties have entered into a compromise with each other and the same is genuine and valid. The aforesaid compromise is without any kind of influence or coercion. The aforesaid statements of PWs are apprehended herewith for the kind perusal of the Hon'ble High Court.

However, it is submitted that the aforementioned prosecution witnesses in their statements before this Court have revealed that prosecution witnesses namely Pawan and Karambir had died in road side accident and their death has not taken place due to the injuries suffered by them in this case. It is further submitted here that during the course of trial the complainant Harpal Singh had moved an application under Section 319 Cr.P.C. for summoning Anil son of Shakti Singh, resident of village Durjanpur, Tehsil and District Hisar (who was kept in column no.2 of charge-sheet submitted by the police) and the said application is still pending. However, the complainant Harpal Singh vide his separate statement has stated that he does not want to pursue the application under Section 319 Cr.P.C. as the matter has been compromised between the parties, hence he prayed for withdrawal of the said application but since the matter is pending before the Hon'ble High Court, therefore, the said application is kept pending for further proceedings, till further orders of the Hon'ble High Court. The statements of complainant party, Investigating Officer ASI Deepak Sharma and that of accused persons are enclosed herewith."

4. Learned counsel for respondent Nos.2 to 4 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.66 dated 13.05.2019 under Sections 307, 323, 34, 341, 427 and 506 of IPC and Sections 325 and 120-B of IPC added later on, registered at Police Station Nathu Sarai Chopta, District Sirsa and all consequential proceedings arising therefrom on the basis of compromise dated 13.09.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

28.08.2025

jatn

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No