



114

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

**CRM-M-61666-2024 (O&M)
Date of decision : 03.05.2025**

Vinay Kumar Rai and another ... Petitioners
Versus
State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pushp Jain, Advocate for
Mr. Saurabh Bajaj, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Ms. Suman Kumari, Advocate for respondent No.2.

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.47 dated 08.02.2023 (P-1), under Section 336 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Mullana, District Ambala along with all consequential proceedings arising therefrom on the basis of compromise dated 19.11.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners had put the children of *de facto* complainant in danger, while running Career Defence Academy in a negligent manner.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.



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. petitioners as well as respondent No.2.

6. Heard learned counsel for the parties and perused the paper-book.

7. The Co-ordinate Bench, while issuing notice of motion on 09.12.2024, passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.47 dated 08.02.2023 under Sections 336 and 34 of IPC registered at Police Station Mullana, District Ambala (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 19.11.2024 (Annexure P-2).

2. Notice of motion.

3. Upon advance notice, Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of respondent No.1/State and Ms. Suman Kumari, Advocate puts in appearance on behalf of respondent No.2.

4. In view of the above, the parties are directed to appear before the Illaqa Magistrate/trial Court on 19.12.2024 or any other date convenient to the Court concerned, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-



1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;
- 2 the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;
3. the stage of trial/proceedings;
4. If the compromise is genuine, voluntary and out of free will of the parties.

5. Report of the Illaqa Magistrate/Trial Court be awaited for 23.01.2025.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 04.01.2025 has been received from learned Judicial Magistrate First Class, Ambala. For reference, the operative part of report reads as under:-

“1. There are two accused persons namely Pankaj Kumar Yadav and Vinay Kumar Rai in the present and none of the accused has been declared proclaimed offender.

2. There is only one complainant namely Birjesh Kumar in the present case. Statement of complainant Sh. Birjesh son of Ramesh Kumar and accused persons namely Pankaj Kumar Yadav and Vinay Kumar Rai and Investigating Officer SI Ramesh Kumar (Annexure 1) have been recorded. Both the parties on solemn affirmation stated that they have compromised the matter with each other voluntarily and without any coercion or undue influence.

3. The present case was fixed for prosecution evidence.

4. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion.”



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 involve 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 petitioners.

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

03.05.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No