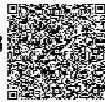


**CRM-40560-2024 in/and**  
**CRM-M-17129-2024**

**-1-**

2024:PHHC:134693



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116+242

CRM-40560-2024 in/and  
CRM-M-17129-2024

Date of Decision: 14.10.2024

Mandeep Kumar @ Ghulla and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Ramesh Chand Sharma, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Ashok Kumar, Advocate for  
Mr. BS Jaswal, Advocate for respondent No. 2.

**NIDHI GUPTA, J. (ORAL)**

**CRM-40560-2024**

Application is allowed, as prayed for.

Death certificate of co-accused/Gurpreet Singh @ Gopi,  
filed along with the application in terms of previous order dated  
30.07.2024, is taken on record subject to all just exceptions.

**CRM-M-17129-2024**

The petitioners have filed the present petition under Section  
482 Cr.P.C., for quashing of cross case bearing G.D. No. 022 dated  
10.11.2019 (Annexure P-2) registered under Sections 323, 354, 148 and  
149 IPC, arising out of case FIR No. 94 dated 10.11.2019 (Annexure P-1)  
registered under Sections 323, 452, 427, 148 and 149 IPC at Police  
Station Begowal, District Kapurthala and all the consequential



proceedings arising therefrom, on the basis of compromise deed dated 18.03.2024 (Annexure P-3) effected between the parties.

On 08.04.2024, when this case was listed for hearing, following order was passed by this Court:-

*“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of cross case bearing G.D. No. 022 dated 10.11.2019 (Annexure P-2) registered under Sections 323, 354, 148 and 149 IPC at Police Station Begowal, District Kapurthala, arising out of case FIR No. 94 dated 10.11.2019 (Annexure P-1) registered under Sections 323, 452, 427, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise dated 18.03.2024 (Annexure P-3) effected between the parties.*

*Learned counsel for the petitioner submits that the present cross case emanates from FIR No. 94 dated 10.11.2019 (Annexure P-1), registered by the present petitioners against respondents No. 2 and 3. It is submitted that in the present case, there were total 06 accused i.e. the present petitioners, namely, (i) Mandeep Kumar @ Ghulla, (ii) Gurdeep Singh @ Deepu, (iii) Harpreet Singh @ Honey and (iv) Akashdeep Singh @ Akash; (v) Gurpreet Singh @ Gopi, stated to have been expired and (vi) Parminder Singh @ Ajy, who was declared as proclaimed person. It is further submitted that the complainant party/accused in main case arising out of FIR No. 94 dated 10.11.2019 (Annexure P-1) already stand acquitted by the learned trial Court vide judgment of acquittal dated 05.07.2023, passed by the learned Sub Divisional Judicial Magistrate, Bholath and copy of the said judgment has been filed by learned counsel for the petitioners in Court today, which is taken on record. Learned counsel submits that now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 18.03.2024 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. Learned counsel submits that petitioners are party to the aforesaid compromise.*

*Notice of motion.*

*On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent No. 1-State; whereas Mr. B.S. Jaswal, Advocate who is present in Court accepts notice on behalf of respondents No. 2 and 3 and*



*submits Vakalatnama, which is taken on record.*

*Learned counsel for the State as well as learned counsel for respondent No. 2 and 3 have not disputed the aforesaid submissions made by learned counsel for the petitioners.*

*Learned counsel for respondents No. 2 and 3 submits that respondent No. 3-Sarabdeep Singh is presently residing abroad, therefore, he may be permitted to record his statement before the trial Court/Illaq Magistrate, through video conferencing.*

*Ordered accordingly.*

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 18.03.2024 (Annexure P-3) on **30.04.2024** by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. **30.07.2024** containing the following information:-*

- 1. Number of persons arrayed as 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 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 victims/complainant as well as accused are party to the compromise in question.*

*A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court."*

Pursuant to the order dated 08.04.2024 passed by this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Bholath, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Bholath, has submitted his report along with copies of statements of the parties vide letter dated 26.07.2024 duly forwarded by the learned District and Sessions Judge, Kapurthala.



A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statement with respect to the compromise, which has been found to be genuine, voluntary and is not the result of any fraud or misrepresentation and is the result of free will of the parties.

The Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*, has held that partial quashing of the FIR/Complaint is permissible on the basis of compromise.

Learned State counsel has stated that he has no objection in case the impugned G.D. No. 022 dated 10.11.2019 (Annexure P-2) is quashed on the basis of compromise qua the petitioners. However, on instructions from ASI Rattan Singh, learned counsel for the State confirms that one of the co-accused of the petitioners, namely; Dharminder Singh @ Ajay S/o Kewal Singh (inadvertently wrongly mentioned as Parminder Singh @ Ajay in the order dated 08.04.2024) was declared as proclaimed offender by the learned trial Court vide order dated 06.04.2021. She further informs that later on, the said accused was arrested on 13.08.2021.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Sub Divisional Judicial Magistrate, Bholath, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3



herein. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052***, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543***, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

*“57. 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.”*



The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another, 2022(2) Cri. CC 179*, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is **allowed** and G.D. No. 022 dated 10.11.2019 (Annexure P-2) registered under Sections 323, 354, 148 and 149 IPC, arising out of case FIR No. 94 dated 10.11.2019 (Annexure P-1) registered under Sections 323, 452, 427, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 18.03.2024 (Annexure P-3) effected between the parties, are ordered to be quashed qua the petitioners only.

14.10.2024  
rishu

( NIDHI GUPTA )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |