

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

**CRM-M-17444-2023 (O&M)
Date of decision: 24.11.2023**

Bohar Singh and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for respondent No.1.

Mr. Shadab Ahamad, Advocate for
Mr. Hoshiar Singh, Advocate for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.126 dated 06.08.2021 (P-1), under Sections 324, 323 read with Section 34 of the Indian Penal Code, 1860 (Section 326, IPC added later on), registered at Police Station Sadar Ferozepur, District Ferozepur along with all consequential proceedings arising therefrom on the basis of compromise dated 27.03.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Karnail Singh with the allegations that his both brothers as well as sister-in-law (*Bhabhi*) [petitioners] in furtherance of their common intention abused the complainant side and inflicted various injuries including grievous ones to the complainant as well as his wife-Veena Rani (respondent No.3). Hence, the present FIR.

(3) The Coordinate Bench, while issuing notice of motion on 13.04.2023, passed the following order:-

“The petitioners seek quashing of FIR No.126 dated 06.08.2021, registered at Police Station Sadar Ferozepur, District Ferozepur, under Sections 324, 323, 34 IPC (Section 326 IPC added later on) on the basis of compromise.

Notice of motion.

Mr. Kamalpreet Bawa, AAG, Punjab accepts notice on behalf of respondent No.1 and waives service.

Mr. Hoshiar Singh, Advocate, puts in appearance and accepts notice on behalf of respondents No.2 & 3 and waives service.

Learned counsel for respondents No.2 & 3 admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 25.05.2023 for getting their statements recorded. After recording the statements of the parties, the trial Court/Illaqa Magistrate shall send a report to this Court regarding genuineness of compromise between them well before the next date of hearing. Adjourned to 13.07.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Additional Chief Judicial Magistrate, Ferozepur and submitted a report dated 29.05.2023. The operative part of the same reads as under:-

“The report is submitted as under:-

- (i) There are total three accused namely Bohar Singh, Jarnail Singh and Harjit Kaur in this case.*
- (ii) Out of three accused, no accused has ever been declared as proclaimed offender.*
- (iii) Report under Section 173 Cr.P.C is not filed till date.*
- (iv) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”*

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent Nos.2 & 3 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions from SI Shamsheer Singh, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent Nos.2 & 3 also raises no objection.

(8) Hon’ble the Supreme Court in ‘**Gian Singh Versus 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.”

(9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect any public peace or tranquility of the Society. 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.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of ₹ 15,000/- (₹ 5000/- each). Costs be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Lawyers’ Family Welfare Fund.

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

November 24, 2023

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes