

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

**CRM-M-43899-2023
Date of decision : 01.12.2023**

Gurjinder Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Arshdeep Kaur, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG., Punjab.

Ms. Kirandeep Kaur, Advocate for
Mr. Gaurav Arora, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.163 dated 05.11.2021 (P-1), under Sections 325 (now replaced with Section 324), 323, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Amloh, District Fatehgarh Sahib, along with all consequential proceedings arising therefrom on the basis of affidavit/compromise dated 28.12.2021 (P-6), entered into between the parties.

2. Allegations are that the petitioners abused as well as inflicted multiple injuries upon complainant-Gurmit @ Gurmeet Singh.

3. This Court, while issuing notice of motion on 04.09.2023, passed the following order:-

“ The present petition has been filed for quashing of FIR No. 163 dated 05.11.2021, registered under Sections 325 (now replaced with Section 324), 323, 506 and 34 of the Indian Penal Code, 1860, at Police Station Amloh, District Fatehgarh Sahib, along with all subsequent proceedings arising therefrom, on the basis of compromise. Notice of motion for 01.12.2023.

On asking of the Court, Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of respondent No. 1-State and Mr. Gaurav Arora, Advocate, accepts notice on behalf of respondent No. 2.

Learned counsel for the petitioners is directed to supply copy of the paper book to the counsel opposite during the course of the day.

Let the parties now appear before the Trial Court/Illaqa Magistrate on 20.09.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 26.09.2023 has been submitted in this regard by learned Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Amloh. The operative part of the same reads as under:-

“ (i) As per the statement of IO, no accused person has been declared proclaimed offender in the present FIR;”

(ii) From the statements of the parties, it seems that the compromise between the complainant/victim Gurmeet Singh and accused persons namely Gurjinder Singh & Sukhwinder Kaur and Juvenile Harmanjot Singh is genuine, voluntarily and out of free will of the parties.

The complainant/victim namely Gurmeet Singh & accused persons namely Gurjinder Singh & Sukhwinder Kaur and Juvenile Harmanjot Singh have no objection if the above said FIR and the consequential proceedings are quashed against the above said accused persons in view of the compromise entered into between the parties.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, 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 No. 2 has also acknowledged the fact that the compromise effected between the parties.
8. 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.”

9. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect 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.

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 Rs. 15000/- (Rs.5,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

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

01.12.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned	:	Yes	/	No
Whether reportable	:	Yes	/	No