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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-31261-2024 (O&M)
Date of Decision: 11.12.2024

Karmjeet Singh @ Karamjit Singh @ Kamma and othersPetitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Puru Jarewal, AAG, Punjab.

Mr. Satvir Singh, Advocate;
Mr. Kunal Jain, Advocate and
Ms. Jaspreet Kaur, 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.') for quashing of FIR No.166 dated 21.08.2023 (P-1), under Sections 379-B read with Section 34 of the Indian Penal Code, 1860 (Section 411 IPC added later on) registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana along with all consequential proceedings arising therefrom qua the petitioners on the basis of compromise dated 13.05.2024 (P-2).

(2) Above FIR was registered by respondent No.2-Gurdeep Singh with the allegations that petitioners snatched his mobile phone and forcibly took Rs.8000/- from him.

(3) The Co-ordinate Bench of this Court, while issuing notice of motion on 04.07.2024, passed the following order:-

*"The petitioners Karmjeet Singh alias Karamjit
Singh alias Kamma, Sukhpreet Singh alias Sukhu, Bahadur*



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Singh alias Mor and Manjinder Singh have filed petition under Section 482 Cr.P.C. for quashing of FIR No. 166 dated 21.08.2023 (Annexure P-1) under Section 379-B, 34 of IPC (Section 411 of IPC added later on), registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana and subsequent proceedings arising thereof on the basis of compromise dated 13.05.2024 (Annexure P-2).

Notice of motion.

On the asking of this Court, Mr. Kewal Singh, Addl. AG, Punjab accepts notice on behalf of the State. Learned counsel for the petitioners is directed to supply him a complete copy of the paperbook.

Mr. Satvir Singh, Advocate has filed power of attorney on behalf of respondent No. 2, which is taken on record.

Let the statement of the parties concerned be recorded with regard to the aforesaid compromise on or before 07.08.2024, before the learned Illaqa/Duty Magistrate concerned. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

1. The number of accused in the aforesaid FIR and to report whether the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against him.

2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioners in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 20.08.2024.

Status report be also filed by respondent – State by the adjourned date.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Ludhiana and



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submitted a report dated 08.08.2024. The operative part of the same reads as under:-

“The report as desired by the Hon'ble Court is respectfully submitted as under:-

1. There are four accused namely Karamjeet Singh, Manjinder Singh, Sukhpreet Singh @ Sukhu and Bahadur Singh arrayed in the present FIR and have never been declared as proclaimed offender in the present case as per the statement of the IO namely ASI Harbans Singh.

2. From the statement of parties, it appears that the compromise is genuine, voluntarily made out of the free will of the parties and without any coercion or undue influence.

3. As per the statement of IO, no other case/FIR is pending against petitioners.

4. The challan has been committed to the court of Ld. Sessions Court, Ludhiana.

In view of the statement of complainant/respondent and accused/petitioners, the undersigned is of the view that the compromise is out of the free will of the parties and without any coercion or undue influence.

The detailed report and copies of statements of the parties are enclosed herewith, as desired.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent No.2 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 has also submitted that he has 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 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.”



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(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. 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 subject to costs of Rs.5000/- each, to be deposited with District Legal Services Authority, Ludhiana.

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

11.12.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No