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

**CRM-M No.38901 of 2024
Date of Decision: 06.11.2024**

Dalwara Singh @ Dara and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Goyal, Advocate and
Mr. Abhimanyu Antil, Advocate for
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Navkaran Singh Cheema, Advocate for
Mr. Mohit Garg, Advocate
for respondents No.2 and 3.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed praying for quashing of FIR No.31, dated 17.02.2021, under Sections 308, 341, 323, 506, 148, 149 of IPC, later on added Section 325 of IPC, registered at Police Station City-1, Sangrur, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise arrived between the parties (Annexure P-2).

2. FIR in question was got registered by complainant-respondent No.2, namely, Varinder Kumar and the investigation commenced thereon. However, with the intervention of respectables,



finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from Compromise Deed, annexed as Annexure P-2. On the basis of the compromise, the petitioners are invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the complaint in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 12.08.2024 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

4. In pursuance to the same, learned Chief Judicial Magistrate, Sangrur has sent the report dated 22.10.2024 to this Court. With the report, he has also annexed the original statements of complainant/respondent No.2, namely, Varinder Kumar and respondent No.3, namely, Manpreet Singh @ Chopra Singh recorded on 30.09.2024. He has also annexed the original statements of the petitioners, namely, Dalwara Singh @ Dara, Yogesh alias Dadu, Rajveer Singh @ Raju Nepali, Lakhwinder Singh @ Gobinda and Arjun Singh recorded on 30.09.2024 and Diwan recorded on 07.10.2024. He has also annexed the original statement of ASI Ranjit Singh recorded on 09.10.2024. On the basis of the statements, learned Chief Judicial Magistrate, Sangrur has concluded in the report that the compromise effected between the parties is voluntarily and without any pressure, threat, undue influence or



coercion. It has been further mentioned that challan in this case has already been presented which is pending in the Court of Mr. Kawaljit Singh, learned Addl. Sessions Judge, Sangrur. It has further been mentioned that as per the report under Section 173 Cr.P.C. and statement of ASI Ranjit Singh, except the present petitioners, the FIR was also registered against Kaka @ Gurwinder Singh, who was a juvenile and case against him has already been decided and Happy, Karnail Singh and Rohit, who were declared innocent and challan against them was not presented and accused Suraj has died during the trial. It has further been mentioned as per the statement of ASI Ranjit Singh, except the accused/petitioner, namely, Diwan, no other petitioner/accused is declared proclaimed offender nor any proclamation are pending against them and the accused, Diwan was declared proclaimed offender in FIR No.134 of 17.08.2021, under Section 379 IPC, Police Station City Sangrur on 08.11.2023 but now he is confined in New Jail Nabha in other case. It has further been mentioned that except the present case, no other case is pending against the accused, Dalwara Singh. It has further been mentioned that other FIRs under different sections were also registered against the accused persons.

5. Status report dated 05.11.2024 by way of an affidavit of Sukhdev Singh, PPS, Deputy Superintendent of Police, Sub Division Sangrur, District Sangrur on behalf of respondent No.1 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.



Although there are other cases registered against the accused but they will have to face the trial and resultant decision in that cases independently and the matter has been settled in the present case, which has no affect on the pendency of other cases.

6. I have heard learned counsel for the parties, perused the record and the report sent by learned Chief Judicial Magistrate, Sangrur.

7. A bare perusal of statutory provision of the 528 of BNSS would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 359 BNSS is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the BNS.

8. Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675* followed by this Court in Full Bench case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052* have dealt with the proposition involved in the present case and settled the law.

9. Thereafter, Hon'ble Supreme Court in *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* further dealt with the issue and the earlier law settled by the Supreme Court for



quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1)***

SCC 335. Para 61 of the judgment reads 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 F.I.R may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 pre-dominantly 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 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 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. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing of the FIR would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of BNSS.

11. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.31, dated 17.02.2021, under Sections 308, 341, 323, 506, 148, 149 of IPC, later on added Section 325 of IPC, registered at Police Station City-1, Sangrur, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom are hereby quashed *qua* the



petitioners, namely, Dalwara Singh @ Dara, Yogesh @ Dadu, Rajveer Singh @ Raju Nepali, Lakhwinder Singh @ Gobinda, Arjun Singh and Diwan on the basis of compromise (Annexure P-2). Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the Court below.

12. Petition stands allowed.

06.11.2024

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(RAJESH BHARDWAJ)
JUDGE

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