



233 (1st case)

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

**CRM-M-45030-2023 (O&M)
Date of decision: 24.05.2024**

Rohit Chaudhary @ Rohit and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep K. Dhot, Advocate for the petitioners.

Ms. Avneet, AAG, Punjab for respondent No.1.

Mr. Kulwinder Singh Rathour, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of G.D. No.003 dated 13.07.2023, under Sections 323, 324, 506, 148 read with Section 149 of the Indian Penal Code, 1860 recorded in FIR No.0050 dated 13.07.2023, under Sections 323, 324, 506, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar along with all consequential proceedings arising therefrom qua the petitioners on the basis of compromise dated 27.07.2023 (P-3).



(2) Above G.D. was registered by respondent No.2-Deepak Choudhary @ Deepak Kumar with the allegations that petitioners initiated fight and abused the complainant.

(3) The Coordinate Bench, while issuing notice of motion on 11.09.2023, passed the following order:-

“This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing GD No.3, dated 13.07.2023, registered under Sections 323, 324, 506, 148 and 149 IPC in FIR No.50, dated 13.07.2023, registered under Sections 323, 324, 506, 148 and 149 IPC at Police Station Pojewal, District SBS Nagar and all subsequent proceedings arising therefrom on the basis of the compromise dated 27.07.2023, Annexure P-3.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Kulwinder Singh Rathour, Advocate appears on behalf of respondent No.2 and admit that the compromise has been effected between the parties.

In view of the submissions made on behalf of the parties, they are directed to appear before the Illaqa Magistrate for recording their statements qua the compromise within a period of 15 days.

The trial Court/Illaqa Magistrate is directed to record the statements of the parties and submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is 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?

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Adjourned to 19.10.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Balachaur and submitted a report dated 13.10.2023. The operative part of the same reads as under:-

“The para-wise report is as under:-

(i). As per the statement of IO/ASI Balwinder Singh, eight persons are arrayed in the present case.

(ii) As per the statement of IO/ASI Balwinder Singh, none of the accused is declared as proclaimed offender.

(iii) As per the statements of parties, compromise is genuine, voluntary and without any coercion or undue influence.

(iv) As per the statement of IO/ASI Balwinder Singh, there is no other criminal case pending against the accused persons.

(v) Statement of IO/ASI Balwinder Singh recorded. As per the statement of IO/ASI Balwinder Singh there is only one complainant namely Deepak Chaudhary in the present GD No.3 dated 13.07.2023.

In view of the above statements suffered by both the parties, this Court is satisfied that compromise between the parties has been effected voluntarily without any threat or coercion and is genuine/correct. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. The attested copies of statements of the both the parties are annexed herewith for kind perusal of your good-self and necessary action, please. The report is hereby submitted accordingly.”



(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, on instructions from ASI Balwinder Singh, also submitted that they have no objection in case the aforesaid G.D. 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.”

(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 G.D. 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 G.D. along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

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

24th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No