



CRM-M- 48412 of 2024 - 1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH  
(317)

CRM-M- 48412 of 2024 (O&amp;M)

Date of decision : 16.12.2024

Amit Sood and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Bhupinder Banga, Advocate for the petitioners.

Mr. Karunesh Kaushal, Assistant Advocate General,  
Punjab.

Mr. Imran Ahmad Ali, Advocate for respondent No. 2

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**RAJESH BHARDWAJ, J. (Oral)**

1. Instant petition has been filed under Section 528 of BNSS, 2023, praying for quashing of FIR No.275 dated 08.11.2016, for offence under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Salem Tabri, District Ludhiana and the impugned conviction order in case titled 'State vs. Amit Sood etc., CIS No. CHI/2923/2018 decided on 29.02.2024 (Annexure P-2), alongwith all the subsequent proceedings arising therefrom, on the basis of compromise dated 09.09.2023 (Annexure P-3).

2. FIR in question was lodged by complainant-respondent No.2 and the investigation commenced thereon. Challan was presented. The petitioners alongwith accused Gagan Sood, were tried and ultimately they were convicted on 29.02.2024 by the trial Court. Whereas, Gagan Sood was acquitted. 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-3. On the basis of the compromise, the petitioners are praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 26.09.2024 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 JMIC, Ludhiana, has sent report dated 09.12.2024. With the report, she has annexed original statement of respondent No.2 Milan Sood-complainant and joint statements of petitioners-accused, namely, Amit Sood, Vinay Sood and Gaurav Sood @ Gonu recorded on 12.11.2024 and also statement of SI Janak Raj, recorded on 25.11.2024. On the basis of statements, learned JMIC, Ludhiana, has concluded in its report that the compromise between the parties is genuine and is not result of any pressure or coercion in any manner. It is further mentioned in the report that there are five accused in the present FIR namely, Amit Sood, Vinay Sood, Gaurav Sood, Ashu Sood and Gagan Sood. During investigation, challan was presented against Amit Sood, Vinay Sood, Gaurav Sood and supplementary challan was presented against accused Ashu Sood. Accused, namely Gagan Sood was never arrested and no challan was presented against him. After conclusion of the trial, accused Amit Sood, Vinay Sood, and Gaurav Sood were convicted and accused



Ashu Sood was acquitted. None of the accused was declared proclaimed offender in the present case. As per record, there are two other FIRs against accused Amit Sood, three FIRs against accused Vinay Sood and no other FIR against accused Gaurav Sood.

5. Learned counsel for the petitioners has submitted that the present case was registered against five persons, namely, Amit Sood, Vinay Sood, Gaurav Sood, Ashu Sood and Gagan Sood. After investigation, the challan was presented against accused- Amit Sood, Vinay Sood and Gaurav Sood and thereafter, supplementary challan was presented against Ashu Sood. He has further stated that Gagan Sood was never arrested and no challan was presented against him. He has further submitted that in view of the fact that accused Ashu Sood was acquitted and another accused namely, Gagan Sood was never arrested/challaned by the Police, the present case survives only against the present petitioners, who were convicted by the trial Court and thus the present case is not a case of partial compromise, as in case the present petition is allowed, no accused will be left to be tried in the present case. He has further submitted that the parties have compromised the matter amicably and have decided to get the FIR lodged against the petitioners quashed and as such the present petition is liable to be accepted.

6. Learned counsel for respondent No.2 has also pleaded no objection, if the present FIR is quashed.

7. I have heard learned counsel for the parties, perused the record and the report sent by learned JMIC, Ludhiana.

8. A bare perusal of statutory provision of the 528 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 Bharatiya Nyaya Sanhita.

9. 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.

10. 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 a 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."

11. 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, in the nature of cases as prescribed then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioner by quashing the FIR would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 482 Cr.P.C.

12. In the facts and circumstances, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.275 dated 08.11.2016, for offence under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Salem Tabri, District Ludhiana and the impugned conviction order in case titled ‘State vs. Amit Sood etc., CIS No. CHI/2923/2018 decided on 29.02.2024 (Annexure P-2), alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners, on the basis of compromise dated 09.09.2023 (Annexure P-3).

13. 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. Petition stands allowed.

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| <b>16.12.2024</b> | <b>( RAJESH BHARDWAJ )</b>  |          |
| chugh             | <b>JUDGE</b>                |          |
|                   | Whether speaking / reasoned | Yes / No |
|                   | Whether reportable          | Yes / No |