



CRM-M-49234-2024 (O&M)

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314-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49234-2024 (O&M)

Date of Decision: 12.11.2024

Amritpal Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Lakhanpal, Advocate for the petitioners.

Mr. R.S. Thind, AAG, Haryana.

Mr. A.S. Sandhu, Advocate for respondent No.2.

KIRTI SINGH, J.(Oral)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of DDR No.30 dated 07.08.2024 under Sections 118(1), 115(2) & 3(5) of BNS dated 07.08.2024 (Annexure P2) in case FIR No.0079 dated 29.07.2024, under Sections 109, 115(2), 118(1), 117(2) and 3(5) of BNS, 2023, registered at Police Station Sadar Malout, District Sri Muktsar Sahib along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3).

2. No doubt offence under Section 109 BNS, 2023 falls in the category of heinous and serious offence and therefore, is to be generally treated as crime against the society and not against the individual alone. However, the Court would not rest its decision merely because there is a mention of Section 109 BNS 2023 in the FIR or the charge is framed under this provision. It would be

Open for the High Court to examine whether there is a strong possibility of



conviction or the chances of conviction are remote and bleak. Given the fact that a compromise has arrived at between the parties, which will affect the prosecution's case, it would be permissible for the High Court to accept the plea of compounding of offence based on settlement between the parties. Admittedly, both the parties are related to each other and it is a case of version and cross-version. In the closely-knit village community, when the parties have buried their hatchets, the continuation of criminal proceedings will not advance the reformatory purposes of jurisprudence just for the sake of deterrence. The petitioner in heat of the moment must have crossed his limits to commit the alleged crime, but since better sense has prevailed and the matter has been compromised, this Court is of the opinion that they deserve a chance to course correct. Thus, the continuation of criminal proceedings will not advance the reformatory purposes of jurisprudence just for the sake of deterrence. This Court is satisfied that it is fit case for acceptance of compromise in offence under Section 109 BNS.

3. Heard learned counsel for the parties and also gone through the case file.

4. This Court vide order dated 01.10.2024, directed the parties to appear before the Area Magistrate/Trial Court for recording their statements with regard to the compromise.

5. Pursuant to the aforesaid order, report dated 24.10.2024 has been received from the Judicial Magistrate Ist Class, Malout. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and



effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are two accused. None of them has been declared as proclaimed offender and are not involved in any other FIR.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. 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.

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8. The Hon'ble Supreme Court has held in the matter of “**Narinder Singh and others Vs. State of Punjab and another**”, 2014(2) RCR (Criminal) 482, as under:-

“(vi) Offences under Section 307 I.P.C. would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 I.P.C. in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 I.P.C. is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 I.P.C. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

Further reliance can be placed on the orders passed by the Coordinate Bench of this Court in the cases of “**Santram and another vs. State of**

11. Resultantly, the present petition is allowed and DDR No.30 under Sections 118(1), 115(2) & 3(5) of BNS dated 07.08.2024 (Annexure P2) in case FIR No.0079 dated 29.07.2024, under Sections 109, 115(2), 118(1), 117(2) and 3(5) of BNS, 2023, registered at Police Station Sadar Malout, District Sri Muktsar Sahib and all other consequential proceedings are quashed qua the petitioner on the basis of the compromise (Annexure P-3), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh.**

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*