



230 (2nd case)

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

**CRM-M-50590-2019 (O&M)
Date of decision: 30.05.2024**

Simranjyot Singh and another

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prince Pushpinder Rana, Advocate for
Mr. Manjinder Singh Saini, Advocate for the petitioners.

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

Mr. Sumit Kalyan, Advocate for
Mr. Jaskamal Singh Grewal, Advocate
for respondent Nos.2 & 3.

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.39 dated 21.02.2018 (P-1), under Sections 324, 323, 148, 149, 341 of the Indian Penal Code, 1860 (Section 326 IPC added later on), registered at Police Station Garhshankar, District Hoshiarpur along with all consequential



proceedings arising therefrom qua the petitioners on the basis of compromise dated 18.04.2018 (P-2).

(2) Above FIR was registered by respondent No.2-Eashu Bassi with the allegations that petitioners along with other co-accused came on five motorcycles and gave *Khanda* blow(s) to him.

(3) The Coordinate Bench, while issuing notice of motion on 28.11.2019, passed the following order:-

“The present petition has been filed for quashing of FIR No.39 dated 21.02.2018 registered under Sections 324, 323, 148, 149, 341 IPC at Police Station Garshankar, District Hoshiarpur and all subsequent proceedings on the basis of compromise (Annexure P-2).

Notice of motion for 28.1.2020.

On asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of the State. Mr. Sumit Verma, Advocate accepts notice on behalf of respondents No. 2 and 3.

Learned counsel for the petitioner(s) is directed to hand over a copy of the petition to the opposite counsels during the course of the day.

The parties are directed to appear before the Trial Court/Illaq Magistrate on 19.12.2019 or any other date convenient to the Court for recording their statements with regard to the compromise. The Trial Court/Illaq Magistrate shall send a report along with statements of the parties regarding its satisfaction with regard to validity or otherwise of the compromise; that compromise is not the result of any pressure, threat, coercion or undue influence and that none of the accused is a Proclaimed Offender.”



(4) Thereafter, on 28.01.2020, the Coordinate Bench passed the following order:-

“CM No.38606 of 2019

This application is filed for the amendment of head note of the main petition and to insert Section 326 IPC in the Head note of the main petition, extending the time for depositing the costs.

Registry is directed to insert Section 326 IPC in the Head note of the main petition.

CM stands disposed of.

Main Case

Reply by way of affidavit of Satish Kumar, PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur on behalf of respondent No.1 filed in Court today. The same is taken on record.

As per report of the trial Court statutory period has already been elapsed to get the statements recorded between the parties regarding compromise.

Adjourned to 27.03.2020.

Accordingly, the parties are again directed to appear before the Trial Court/Illaq Magistrate on 27.02.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement in terms of the order dated 28.11.2019.”

(5) In terms of aforesaid order, the statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Garhshankar and submitted a report dated 27.02.2020. The operative part of the same reads as under:-



- “ 1. After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion.*
- 2. None of the accused persons has been declared proclaimed offender.”*

(6) 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.

(7) Learned State Counsel, on instructions from the police official concerned, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(8) Learned Counsel for respondent Nos.2 & 3 also raises no objection.

(9) 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.”

(10) 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.

(11) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners shall suffer costs of ₹ 10,000/- (₹ 5,000/- each). Costs be deposited with the Punjab and Haryana High Court Employees Welfare Association, Account No.37167209613, IFSC: SBIN0050306, State Bank of India, High Court Branch, Chandigarh.

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

30th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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