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126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1373-2025 (O&M)
Date of decision: 04.04.2025

Saraj Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nishant, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

Ms. Nikita Gill, Advocate for
Mr. Sarthak Jindal, Advocate for respondent No.2.**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) praying for quashing of FIR No.50 dated 23.08.2021 (P-1), under Sections 452, 323 and 148 read with Section 149 of the Indian Penal Code, 1860, and Section 25 of the Arms Act, 1959, registered at Police Station Arif Ke, District Ferozepur, along with all consequential proceedings arising therefrom on the basis of compromise dated 14.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners formed an unlawful assembly and in prosecution of the common object of the said assembly, caused injuries to the *de facto* complainant-Gurvinder Singh with their respective weapons and 12-bore single barrel *bandoor*.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.



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4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. While issuing notice of motion on 14.01.2025, this Court had passed the following order:-

“Contends that matter has been compromised between the parties i.e. petitioners as well as respondent No.2.

(2) Notice of motion.

(3) At this stage, Mr. Mohit Kapoor, learned Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Sarthak Jindal, Advocate has filed Power of Attorney on behalf of respondent No.2. He acknowledged the factum of compromise dated 14.12.2024 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 31.01.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?



(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 25.02.2025 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 24.02.2025 has been received from learned Chief Judicial Magistrate, Ferozepur. For reference, the operative part of report reads as under:-

“In view of the statements of complainant, petitioners/accused and IO recorded before the Court on 24.2.2025, it is hereby reported as under:-

- (i) The statement of both the parties seems to be bonafide and not result of any pressure or coercion etc. in any manner.*
- (ii) As per statement of complainant and accused, compromise is genuine and valid.*
- (iii) All the accused and complainant are party to the compromise.*
- (iv) As per statement of IO ASI Ranjit Singh No. 799/FZR P.S.Arif Ke, there are six cases are registered against accused Saraj Singh bearing FIR No.64 dated 4.6.2018 under Section 363, 366-A IPC P.S.Kulgarhi, FIR No.25 dated 4.2.2017 under section 363, 366-A, 120-B IPC P.S.Kulgarhi, FIR No.13 dated 3.3.2021 under section 21/61/85 NDPS Act P.S.Arif Ke, Fir No.20 dated 29.3.2021 under section 336, 325, 506, 148, 149 IPC P.S.Arif Ke, FIR No.44 dated 28.4.2023 under section 21 NDPS Act P.S.Kulgarhi, FIR NO.108 under section 323, 324,506, 148, 149 IPC P.S.Kulgarhi. Further there are*



two cases are registered against accused Gurbereet Singh bearing FIR. No.20 dated 29.3.2021 under section 336, 323, 506, 148, 149 IPC P.S.Arif Ke, FIR No.56 dated 18.3.2022 under section 21/29/61/85 NDPS Act P.S.Sadar Ferozepur. Further there is one case is registered against accused Jaskaranpreet bearing FIR No.160 dated 28.9.2021 under section 341, 323, 34 IPC P.S.Sadar Ferozepur. There is one case was registered against accused Atul Raheja bearing FIR No.79/2018 under section 324, 323, 148, 149 IPC P.S.City Ferozepur

(v) *As per statement of IO ASI Ranjit Singh No.799/FZR P.SA.Arif Ke, no petitioners/accused involved in the present case has been declared as proclaimed offender.*

(vi) *As per statement of IO ASI Ranjit Singh No.799/FZR [P.SA](#).Arif Ke, no petitioners/accused are previously convicted.”*

A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

9. Hon’ble the Supreme Court in **Gian Singh v. 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 discussion, this Court is fully convinced that the offence is entirely personal in nature and does not affect 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.



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11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

04.04.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*

Whether reportable : *Yes / No*