



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

(401)

CRM-M NO. 1450-2025

DATE OF DECISION:13.05.2025

Harwinder Singh @ Harvinder Singh

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present Mr.Ravi Malhotra Advocate, for the petitioners.

Mr. Raj Karan Singh, Asstt. AG, Punjab.

Mr.Ashish Bakshi, Advocate, for respondents no.2.

RAJESH BHARDWAJ J, (ORAL)

1. Instant petition has been filed under Section 582 of BNSS praying for quashing of order dated 11.06.2014 (Annexure P-6), whereby the petitioner has been declared as proclaimed offender along with subsequent proceedings passed by learned ACJM, Jalandhar and Cross Case dated 24.07.2011, under Sections 324, 341 read with Section 34 IPC in case FIR No.146 dated 22.07.2011, under Sections 323, 324, 325, 379, 148 and 149 IPC, registered at Police Station Sadar, District Jalandhar.

2. Brief facts of the case are that co-accused of petitioner namely Harpal Singh got recorded his statement on 22.07.2011 to ASI Major Singh and petitioner was prosecuted in DDR dated 24.07.2011, which was a cross-case of the main version ie. FIR No.146 dated 22.07.2011, under Sections 323, 324, 325, 379, 148 and 149 IPC, registered at Police Station Sadar, District Jalandhar. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute. After the



compromise, petitioner left the country and remained in Dubai and accused in the main FIR have already been acquitted by the trial Court as the case was amicably resolved. Further submitted that petitioner has now returned to India and the matter already stands amicably resolved by way of compromise. During the absence of petitioner, he was declared proclaimed offender. On the basis of the compromise, petitioner is invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the Cross Case in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. Reply by way of an affidavit of Babandeep Singh, PPS, Asstt. Commissioner of Police, Sub Division No.5, Jalandhar Cantt filed by learned State counsel in Court today is taken on record.

4. Learned counsel for the petitioner submits that the present petition is a cross case in FIR No. 146 dated 22.07.2011, under Sections 323, 324, 325, 379, 148 and 149 IPC, registered at Police Station Sadar, District Jalandhar. He submits that the all the accused in the FIR have already been acquitted by the learned trial Court vide judgment dated 20.01.2015. In the present Cross Case there were four accused, out of which three have already been acquitted of the charge vide order dated 20.01.2015 by the learned trial Court. He submits that the petitioner is the only remaining accused and thus, he has approached this Court for quashing of the Cross Case by way of compromise.

5. This Court vide order dated 15.01.2025 and 05.03.2025 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.



6. In pursuance to the same, learned ACJM, Jalandhar has sent the report dated 24.03.2025 to this Court. With the report learned ACJM, Jalandhar has also annexed the original statement of respondent No.2/complainant Jagjit Singh, recorded on 10.03.2025, statement of petitioner, namely, Harwinder Singh @ Harvinder Singh recorded on 10.03.2025 and also statement of IO ASI Gulzar Singh recorded on 12.03.2025. On the basis of the statements, learned ACJM, Jalandhar has concluded in the report that the compromise effected between the parties is genuine and not the result of any fraud or misrepresentation, voluntary and without any coercion or undue influence. It has been mentioned therein that the petitioner was declared as proclaimed offender in this case vide order dated 11.06.2014 and the case FIR No.146 dated 22.07.2011, under Sections 323, 324, 325, 379, 148 and 149 IPC, registered at Police Station Sadar, District Jalandhar was registered against accused Harwinder Singh @ Harvinder Singh, Gurbinder Singh, Shaminder Singh and Harpal Singh on the basis of statement of complainant Jagjit Singh, who have already been acquitted by the Court vide judgment dated 20.01.2015.

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

8. A bare perusal of statutory provision of the 482 Cr.P.C. 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 320 Cr.P.C. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Indian Penal Code.

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 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, 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. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, order dated 11.06.2014 (Annexure P-6), whereby the petitioner has been declared as proclaimed offender along with subsequent proceedings passed by learned ACJM, Jalandhar and Cross Case dated 24.07.2011, under Sections 324, 341 read with Section 34 IPC in case FIR No.146 dated 22.07.2011, under Sections 323, 324, 325, 379, 148 and 149 IPC, registered at Police Station Sadar, District Jalandhar and all the subsequent proceedings arising thereto are hereby quashed qua the petitioner on the basis of compromise. 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.

13. Petition stands allowed.

13.05.2025
mamta

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No