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

**CRM-M-1887-2024 (O&M)
Date of decision : 21.01.2025**

Lakhwinder Singh and others

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ketan Antil, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Rajiv Rathor, Advocate,
and Mr. Sourav Chobey, Advocate,
for the respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.102 dated 04.06.2017 (P-1), under Sections 452, 323, 324 & 506 read with Section 34 of the Indian Penal Code, 1860 (*for short, the IPC*'), registered at Police Station, Sadar Kurali, District SAS Nagar (Mohali), along with all consequential proceedings arising therefrom on the basis of compromise dated 07.12.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

2. Allegations are that petitioners, in furtherance of their common intention, trespassed into the house of complainant/victims and gave beatings to them with deadly weapons.

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3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed.
4. Learned counsel for respondent Nos.2 & 3 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. A Co-ordinate Bench, while issuing notice of motion on 15.01.2024, passed the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 15.4.2024.

At this stage, Mr. Saurabh Chobey, Advocate has put in appearance on behalf of respondents No.2 and 3 and has filed Vakalatnama, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) *Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) *Whether any accused has been declared Proclaimed Offender?*

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- (iv) *Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next date.”

8. Still further, vide order dated 05.12.2024, another Coordinate Bench of this Court (in CRM-47885-2024) granted one more opportunity to respondent No.3 for recording statement and relevant part of the same is extracted as under:-

“This is an application under Section 528 of BNSS, 2023 for granting one more opportunity to record the statement of respondent No.3 Sunil Kumar before the learned JMIC, Kharar.

Learned counsel for applicants/petitioners argued that vide order 15.01.2024 parties were directed to appear before the trial Court to record their statements as per compromise (Annexure P-2), however, inadvertently, statement of respondent No.3 Sunil Kumar could not be recorded. He prays that one more opportunity be granted to record his statement.

Notice of application.

On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State.

Learned counsel for the respondents has not disputed factual position.

I have considered the aforesaid submissions of the parties. Perusal of file shows that parties were granted opportunity to record their statements vide order dated 15.01.2024. Thereafter, matter has been adjourned 2-3 times but till date parties had failed to record the statement of respondent No.3- Sunil Kumar as per compromise. Since, it is a compromise quashing, therefore, in the interest of justice, one more opportunity is granted to the parties to record statement of respondent No.3 Sunil Kumar before the trial Court on or before 18.12.2024 subject to deposit of Rs.5,000/- with District Legal Services Authority, Kharar. Report of trial Court is awaited for 08.01.2025, the date already fixed.

Application is disposed of accordingly.”

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9. Thereafter, this Court on 08.01.2025, passed the following order:-

“Learned counsel for the parties are seeking one more opportunity for recording the statement of respondent No.3 in terms of the order dated 15.01.2024 passed by the co-ordinate Bench of this Court.

One last opportunity is granted for the aforesaid purpose. Parties may appear before learned trial Court on 14.01.2025 and report be awaited for 21.01.2025.

To be shown in the Urgent list.”

10. In terms of aforesaid order(s), statements of both the parties were recorded and a report dated 18.01.2025 has been received from learned SDJM. For reference, the operative part of report reads as under:-

“It is submitted that on 12.04.2024, complainant namely Surjit Kaur aged about 81 years wife of Deep Chand r/o village Chandpur Rao, PS Majri, District SAS Nagar as well as accused namely Lakhwinder Singh son of Dharampal Singh, Dharampal Singh son of Sital Gir, Gurcharan Singh @ Ghugi son of Santokh Chand, Shubham Giri son of Santokh Chand all residents of village Chandpur Rao, PS Majri, District SAS Nagar appeared and their statements were recorded regarding compromise. Complainant Surjit Kaur suffered statement that the present FIR was lodged against Lakhwinder Singh, Dharampal Singh, Gurcharan Singh @ Ghuggi and Shubham Giri and that now she has voluntarily entered into compromise Ex.C1 with the abovesaid accused out of her free will and without any undue influence, coercion or pressure of any kind and that she has no objection if the FIR is quashed against all the abovesaid accused.

On 12.04.2024 itself, Investigating Officer ASI Jasvir Singh, No.118/SAS Nagar also appeared and got his statement recorded to the effect that he is Investigating Officer of FIR No.102 dated 04.06.2017, PS Sadar Kurali. That there is no other accused other than the petitioners arrayed in this petition. That there is no other complainant or affected/aggrieved party other than the respondents arrayed in the petition and that no accused has been declared proclaimed offender.

On 14.01.2025, respondent No.3-Sunil Kumar also appeared before this Court and suffered a statement that the present FIR was lodged

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against Lakhwinder Singh, Dharampal Singh, Gurcharan Singh @ Ghuggi and Shubham Giri and that now he has voluntarily entered into compromise Ex. C1 with the abovesaid accused out of his free will and without any undue influence, coercion or pressure of any kind and that he has no objection if the FIR is quashed. He also placed on record receipt regarding deposit of Rs.5000/- with District Legal Services Authority, Mohali.

It is, accordingly, submitted that the compromise was entered into without any undue influence, pressure or coercion from any quarter. It is further submitted on the basis of statement given by Investigating Officer that there is no other accused other than the petitioners arrayed in this petition; that there is no other complainant or affected/aggrieved party other than the respondents arrayed in the petition; and that no accused has been declared proclaimed offender.”

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.

11. 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,

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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.”

12. 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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13. 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.

21.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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