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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5689-2024
Date of Decision: 05.03.2025

JAGJIT SINGH AND ORS

....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aayush Gupta, Advocate,
for the petitioners.

Mr. Jasdeep Singh, DAG, Punjab.

1. Instant petition has been filed under Section 482 Cr.P.C. (now Section 528 of BNSS, 2023), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 30.05.2019 (Annexure P-2) and 18.08.2022 (Annexure P-3), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section	Police Station	District
0138	04.05.2019	379-B IPC	Division 8	Police Commissionerate, Ludhiana

2. Vide order dated 05.02.2024, passed by a Co-ordinate Bench of this Court, the affected parties were directed to appear before the learned Trial Court/Illaqa Magistrate, for getting their respective statements recorded with regard to the compromise. The Trial Court/Illaqa Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

3. Pursuant to the aforementioned order, the parties appeared before the Court of learned Chief Judicial Magistrate, Ludhiana, and as per



report dated 25.04.2024, submitted to this Court, both the parties have got recorded their respective statements in Court.

4. On 30.08.2024, it was noticed that one of the accused/petitioner i.e. Lakhvir Singh is residing in Kingston, Canada, and he has filed this petition for quashing of FIR through power of attorney holder. Accordingly, status report was called for specifically pointing out the status of petitioner – Lakhvir Singh regarding the trial which is going on before the trial Court.

5. Thereupon, in the status report dated 03.10.2024, while explaining the facts of the case, in para No. 6, it has been stated that the case is still under investigation and challan against the petitioners has not been presented in the Court so far.

6. Although, in compliance of the order dated 05.02.2024, passed by a Co-ordinate Bench of this Court, parties appeared before the Court of learned Chief Judicial Magistrate, Ludhiana, and got their statements recorded regarding the compromise, but quashing of the FIR on the basis of compromise, is strongly opposed by learned State counsel by pointing out towards the heinous nature of the crime.

7. Having considered submissions of both the sides, I find merit in the objection raised by learned State counsel.

8. In his statement, on the basis of which present FIR was registered, Saurav Makkar (complainant-respondent No. 2) stated that on 03.05.2019, at about 10.30 p.m., he alongwith his friend Tarundeep Singh (respondent No. 3) was going in his Honda Amaze car, bearing registration No. PB-10-FL-9611, from his house towards Deep Hospital, Ludhiana. When they reached near Popli Medical Store, they heard the noise of striking one stone on their car from back side. When they crossed Kuka Laboratory cut, and reached at some distance, then three persons riding on Motor Cycle No. PB-10-FC-9780, make Splender, stopped them. The driver of the motor cycle gave fist blow on the mirror of his car and the same was broken. Three persons started beating him (complainant) when he was sitting in his car. One of those persons dragged him out of the car. Those persons snatched away an amount of Rs. 1,00,000/-, containing in two



packets of Rs. 50,000/- each, which was lying in the gear box of his car. All the three assailants have also beaten his friend Tarundeep Singh (respondent No. 2). They also snatched one gold chain weighing 1.5 tolas, from his (complainant's) neck. When respondent Nos. 2 and 3 raised alarm, then the assailants on seeing the gathering of the people, ran away from the spot alongwith amount of Rs. 1,00,000/- and gold chain, by threatening respondent Nos. 2 and 3 of life.

9. In the case of **State of Madhya Pradesh v. Laxmi Narayan and others**, (2019) 5 SCC 688, a three-Judge Bench of Hon'ble the Supreme Court after discussing the earlier judgments, laid down the following principles:

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of



the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC 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 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. 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/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [(2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. *While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”*

[emphasis added]

From the reading of above principles laid down by the Hon’ble Apex Court in **Laxmi Narayan’s case (supra)**, it can be safely concluded that the power conferred under Section 482 Cr.P.C. (now Section 528 of BNSS) should not be exercised in a routine manner. Rather, such power is not to be exercised in prosecutions involving **heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc.** because they are not private in nature and have a serious impact on society, and FIR and consequential proceedings not to be quashed merely on the basis of compromise between the victim and the offender. Their Lordships’ of Hon’ble Apex Court also specifically observed that such an exercise by the High Court would be permissible only after the evidence is collected after



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investigation and the charge-sheet is filed/charge is framed and/or during the trial.

10. When the principles laid down by the Hon'ble Apex Court in **Laxmi Narayan's case (supra)** are applied to the present case, it comes out that criminal proceedings for committing an offence under Section 379-B IPC are pending against all the three petitioners with the allegation that they stopped the car of respondent Nos. 2 and 3 in which they were going; gave beatings to them; snatched from them amount of Rs.1,00,000/- and one gold chain weighting 1.5 tolas; and also threatened them. And, as per status report, dated 03.10.2024, the case is still under investigation and final report (challan) is yet to be filed by the police.

11. Having regard to the nature of crime allegedly committed in this case, which is a crime not against individual person, rather against the society at large, having impact on the society, this Court is of the opinion that present is not a fit case where the power conferred under Section 482 Cr.P.C. (now Section 528 of BNSS) can be exercised by this Court to quash the FIR and consequential proceedings on the basis of compromise dated 30.05.2019 (Annexure P-2) and 18.08.2022 (Annexure P-3).

12. Accordingly, present petition stands **dismissed**.

March 05, 2025
Sangeeta/Pkapoor

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

✓ Yes/~~No~~
✓ Yes/~~No~~