

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

**CRM-M-5822-2025 (O&M)
Date of decision : 21.05.2025**

Lovepreet Singh @ Labhu and another

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

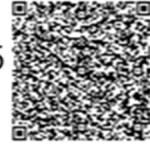
Ms. Manjot Kaur, AAG, Punjab for respondent No.1.

Ms. Gurpreet Kaur, Advocate for
Mr. D.K.Sharma, Advocate for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No.41 dated 27.05.2023 (P-1), under Sections 452, 326, 324, 506, 427 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Verowal, District Tarn Taran, along with all consequential proceedings arising therefrom on the basis of compromise

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dated 17.01.2025 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3/*de facto* complainant(s).

(2) Allegations are that petitioners, in furtherance of the common intention, trespassed into the house of respondent No.3-Gajjan Singh; inflicted serious injuries on the person of *de facto* complainant/respondent No.2-Lakhwinder Singh and caused damage to the property of Gajjan Singh as well as threatened them with dire consequences.

(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 petitioner.

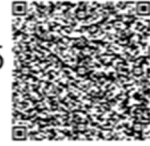
(5) Still further, learned State Counsel, on instructions from the police official present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties i.e. petitioner as well as respondent Nos.2 & 3.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) The Coordinate Bench, while issuing notice of motion on 31.01.2025, passed the following order:-

“Prayer is for quashing of FIR No.41 dated 27.5.2023 registered under Sections 452, 326, 324, 506, 427, 34 IPC at

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Police Station Verowal, District Tarn Taran on the basis of compromise.

Notice of motion.

At this stage, Mr. D.K.Sharma Advocate, accepts notice on behalf of the complainant/respondents No.2 and 3. He admitted the correctness of compromise and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

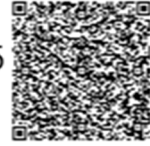
So, the parties are directed to appear before the learned trial court/Illaq Magistrate on 17.2.2025 or any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts: -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 22.4.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

(8) In terms of aforesaid order, statements of both the parties were recorded and report dated 18.03.2025, received from learned Sub Divisional



Judicial Magistrate, Khadur Sahib. For reference, the relevant extract of report reads as under:-

“The report with regard to the compromise is as under:-

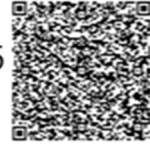
- i) There are two accused arrayed in the FIR.*
- ii) None of the accused has been declared as Proclaimed Absconder.*
- iii) The present case is fixed for prosecution evidence.*
- iv) The compromise amongst the parties is genuine.”*

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 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

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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.

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

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

21st May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>