



**307 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-12856-2024

Date of Decision: 15.01.2025

Vishvash Sharma @ Vishu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Ms. Arshdeep Kaur, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

Mr. Vrishketu, Advocate for
respondent No.2.

RAJESH BHARDWAJ.J (Oral)

1. Instant petition has been filed seeking quashing of FIR No.181 dated 10.07.2021, under Sections 307, 379-B, 325, 323, 341, 506, 148 & 149 IPC, registered at Police Station Division No.6, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 29.08.2023 (Annexure P-2).

2. FIR in question was got registered by complainant-respondent No.2 and the investigation commenced thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their inter se dispute, which is apparent from Compromise Deed, annexed as Annexure P-2. On the basis of the compromise, petitioners are 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 FIR in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice.



3. Learned counsel for the petitioners has submitted that costs of Rs.25,000/- has been deposited by the petitioners with the 'Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector-13, Chandigarh' and receipt of the same has been produced before the trial Court at the time of recording of the statements.

4. This Court vide order dated 14.03.2024 directed the parties to appear before the Trial Court/Illaq/Duty Magistrate for recording their statements, as contended before the Court, and the Trial Court/Illaq/Duty Magistrate was also directed to send its report.

5. In pursuance to the same, learned Additional Sessions Judge, Ludhiana has sent the report dated 24.07.2024 to this Court. With the report, she has also annexed the photocopy of statement of respondent No.2, namely, Lakhvir Singh/complainant; statement of petitioner, namely, Vishvash Sharma @ Vishu recorded on 01.05.2024 and statement of ASI Sukhwinder Singh recorded on 14.05.2024. On the basis of the statements, learned Additional Sessions Judge, Ludhiana has concluded in the report that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. It has been mentioned therein that there were total 05 accused persons in the present FIR namely, Baljit Singh, Vishvash Sharma @ Vishu (present petitioner), Paramjit Singh, Harpreet Singh and Kamaljit Singh and none of the petitioners were declared proclaimed offenders. It has further been mentioned in the report that as per the supplementary statement of IO, compromise between remaining accused persons namely Harpreet Singh, Kamaljit Singh, Paramjeet Singh and Baljit Singh and complainant Lakhvir Singh also stands effected vide compromise



deed dated 09.08.2023.

6. Learned counsel for the petitioner has stated that present quashing petition relates to one petitioner/accused only and remaining 04 accused persons, namely, Baljeet Singh, Paramjit Singh, Kamaljit Singh and Harpreet Singh @ Dimpny have filed separate connected petition bearing CRM-M No.41683-2023, for quashing of the same FIR, which is pending for today itself and thus, the present quashing petition is not on the basis of partial compromise, rather all accused/persons petitioners have come to this Court for quashing of the FIR by filing two separate quashing petition i.e. present petition and connected petition i.e. CRM-M No.41683-2023.

7. I have heard learned counsel for the parties, perused the record and the report sent by learned Additional Sessions Judge, Ludhiana.

8. A bare perusal of statutory provision of the 528 of B.N.S.S. 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 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

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. This Court is conscious of the fact that the case in hand falls in the category of Section 307 IPC and is thus of serious nature. With the intervention of the respectables, both the sides have decided to bury the hatchet and decided not to pursue the proceedings in the FIR registered. Though the offence falling under Section 307 IPC is of grievous in nature but in the peculiar facts and circumstances of this case when both the sides have already resolved their issue, this Court in the overall facts and circumstances is convinced to invoke its power under Section 482 Cr.P.C. to secure the ends of justice for both the sides. As held by the Hon'ble Supreme Court in Narinder Singh's case (supra) that:-

VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the



individual alone. 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 proving 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/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

12. 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 petitioners by quashing the FIR would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of B.N.S.S.

13. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence,

FIR No.181 dated 10.07.2021, under Sections 307, 379-B, 325, 323, 341,



506, 148 & 149 IPC, registered at Police Station Dvision No.6, Ludhiana and all other consequential proceedings arising therefrom is 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.

14. Petition stands allowed.

15.01.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No