



139(1st case)

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

CRM-M-12528-2025 (O&M)

Date of decision : 27.05.2025

Rakesh Kumar @ Halwai Kaler Kanth and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Dilpreet Kaur, Advocate for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

Mr. S.S. Sandhu, Advocate for respondent Nos.2 to 5.

MAHABIR SINGH SINDHU, J.

CRM-21275-2025

Present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for placing on record additional affidavits of petitioner Nos.1 to 5 in compliance of order dated 06.03.2025.

Notice of the application to the non-applicants/respondents.

Ms. Manjot Kaur, learned Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.1; whereas Mr. S.S. Sandhu, Advocate, accepts notice on behalf of respondent Nos.2 to 5 and both of them raised no objection in case the application is allowed.



In view of above and for the averments mentioned in the application, the same is allowed as prayed for, subject to all just exceptions and additional affidavits on behalf of petitioner Nos.1 to 5 are taken on record.

Registry to do the needful.

CRM-M-12528-2025

Present petition has been filed under Section 528 of BNSS, praying for quashing of GD No.21 dated 31.07.2023 (P-1), in FIR No.73 dated 18.07.2023, under Sections 323, 452, 427, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Kathu Nangal, Amritsar Rural, District Amritsar along with all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 5.

2. Allegations are that petitioners formed an unlawful assembly and in prosecution of common object of that unlawful assembly, armed with their respective weapons, inflicted injuries on the person of complainant party.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 to 5; hence GD in question as well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent Nos.2 to 5 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 GD along with consequential proceedings are quashed and set aside on the basis of the



compromise entered into between the parties i.e. petitioners well as respondent Nos.2 to 5.

6. Heard learned counsel for the parties and perused the paper-book.

7. This Court while issuing notice of motion in the main case on 06.03.2025, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties i.e. petitioners and respondent Nos.2 to 5.

(2) Notice of motion.

(3) On asking of the Court, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Sehajpreet Singh Sandhu, Advocate, who is present in the Court, has filed Power of Attorney on behalf of respondent Nos.2 to 5. The same is taken on record. He acknowledged the factum of compromise (P-2) arrived at between the parties i.e. petitioners and respondent Nos.2 to 5.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before learned Illaqa Magistrate/trial Court on or before 25.03.2025, for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?



(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 22.04.2025 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 19.04.2025 has been received from learned Judicial Magistrate First Class, Amritsar. For reference, the operative part of report reads as under:-

“i) That in view of the above statements, I am of the opinion that the statements of the parties are bonafide and not the result of any pressure or coercion etc. in any manner.

ii) That in view of the above statements, I am of the opinion that compromise in question is genuine and valid.

iii) That all the accused, complainant and injured are the parties to the compromise.

iv) That as per the record and the statement of the Investigating Officer, no other case is pending against either of the parties.



v) *That as per the record and the statement of the Investigating Officer, the accused have not been declared as Proclaimed Offenders.*

vi) *That as per the record and the statement of the Investigating Officer, the accused are not previous convicts.”*

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 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, 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 GD 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 GD along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

27.05.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	Yes	/	No
<i>Whether reportable</i>	:	Yes	/	No