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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20749-2025(O&M)
Date of Decision: 14.05.2025

Gurnam Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pardhuman Garg, Advocate, for the petitioner.

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JASGURPREET SINGH PURI, J.

1. The present petition has been filed under Section 528 of the BNSS for quashing of FIR No.0130 dated 12.12.2024, under Sections 137(2) and 96 of BNS, registered at Police Station Joga, District Mansa, Punjab alongwith all other consequential proceedings based upon compromise dated 05.04.2025 (Annexure P-2).

2. Learned counsel appearing on behalf of the petitioner submitted that an FIR was registered against the present petitioner on 12.12.2024 under Sections 137(2) and 96 of BNS with an allegation of enticing away of a 14 years of girl who is the daughter of the complainant but thereafter vide Annexure P-2, a compromise has been arrived at between the parties with the intervention of the respectables and therefore, the present FIR is liable to be quashed based upon compromise. He submitted that once the matter itself has been compromised with the intervention of the respectables of the Panchayat, then no useful purpose will be served in case the further

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prosecution is carried on and therefore, the FIR is liable to be quashed based upon compromise.

3. At this stage, Mr. Gaurav Gurcharan Singh Rai, learned Sr. DAG, Punjab has submitted that he has received an advance copy of the present petition and has also sought instructions. He submitted that the present FIR is still at the investigation stage and the allegations against the petitioner were serious with regard to alluring a 14 years minor girl and as per the allegations, the girl was returned after 3-4 days and considering the gravity and seriousness of the offence and the stage of the FIR whereby it is still at the investigation stage, the present petition may be dismissed.

3. I have heard the learned counsel for the parties.

4. The impugned FIR which is sought to be quashed on the basis of compromise is attached by the petitioner alongwith the present petition as Annexure P-1 and the same is reproduced as under:-

> *"Statement of Baljit Singh S/o Labh Singh R/o Ward No.13 Joga aged about 47 years mobile number: 8054014543 stated that I am resident of the above said address I work as Hard Labour and married about twenty years ago to Sarabjit Kaur D/o Leela Singh R/o Saharan and I have three children and my elder daughter Arshdeep Kaur aged about 17 years and younger to her Harnoor kaur aged about 14 years and one younger son Jaskaran Singh aged about 10 years. My daughter who was born on 02.07.2010 student of class 10 studying in Government Senior Secondary School for girls Joga. On dated 08.12.2024 I and my wife Sarabjeet kaur had gone for daily wage and my elder daughter who was at neighbourer's house and about 3 pm in the evening my daughter Harnoor Kaur without telling anyone had left the house and we were*

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searching for our daughter Harnoor Kaur. Thereafter, I get to know that Gurnam Singh S/o Ram Singh R/o Joga lured my daughter on the pretext of the marriage and took away with him. Today I with Gurtej Singh S/o Bhag Singh R/o Ward No.6 Joga gave the intimation to you about this incident so that the legal action may be taken against Gurnam Singh S/o Ram Singh R/o Joga. Statement recorded and heard which is correct. Sd/- Baljit Singh, Gurtej Singh S/ Bhag Singh R/o Ward No.6 Joga Mobile No.: 9876690854. Verified Sd/- Sukhpal Singh 717, P.S Joga, Date: 12.12.2024, investigation police: Today with constable Jagsir Singh 970/MNS at present Police Station and Baljit Singh S/o Labh Singh R/o Ward No. 13 Joga with Gurtej Singh S/o Bhag Singh R/o Ward No. 06 Joga present at Police Station and recorded statement before respected officer. The statement of Baljit Singh recorded were read over to baljit singh and after found correct put his left thumb impression on such statement. Gurtej Singh signed the statement which was verified by the respected officer. According to statement, offence under sections 137(2) and 96 of BNS is found to be committed. Therefore, for registering the case against Gurnam Singh S/o Ram Singh R/o Joga statement is sent to CCTNS. After registering case, case number kindly be informed. Respected officer with colleagues along with complainant is on inverstigation. P.S Joga at 7:00 PM, Sd/- Sukhpal Singh, ASI, P.S Joga, Dated: 12.12.2024, "After receiving statement, FIR No. as stated above against Gurnam Singh So Ram Singh R/o Joga is registered and is completed. Original Statement with case file is being handed over to ASI Sukhpal Singh717/Mansa for investigation. Duplicates of FIR through post are being sent to the service of Illaqa Magistrate and other officers. PCR MANSA via E-mail is being given separate intimation."

5. A perusal of the aforesaid FIR would show that the complainant who is the father of the minor girl of the age of 14 years has complained

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that his daughter has been allured by the present petitioner. As per learned State counsel, after 3-4 days she was traced and she had come back and during the course of investigation, as per learned counsel for the petitioner vide Annexure P-2, a compromise has been effected between the parties. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others", 2019(2) SCC (Crl.) 706*** observed as under:-

> *"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 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;*

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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/delegate 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 paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) 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 impart on society, on the

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> *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.*"

7. After hearing the learned counsel for the parties and a persual of the FIR, this Court is of the considered view that the allegations against the petitioner especially when the girl was of the age of 14 years who allegedly was allured by the petitioner falls in the category of a serious offence and it is not in the nature of a private offence because the same is against the public at large affecting public morals as well and therefore, in view of the law setted by the Hon'ble Supreme Court, there is no ground made out for intervention by this Court for quashing of the FIR based upon compromise as the same is not even maintainable

8. Consequently, the present petition is dismissed.

14.05.2025 **(JASGURPREET SINGH PURI)**
rakesh **JUDGE**

Whether speaking : Yes/No
Whether reportable : Yes/No

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