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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25919-2025
Date of decision: 13.05.2025

KRISH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pranshul Dhull, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.225 dated 25.10.2023, under Sections 354 and 323 of the IPC, registered at Police Station Chheharta, Amritsar, Punjab, alongwith all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

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

“I am a resident of the above-mentioned address and work as a homemaker. Today, I along with my husband Deepak Marwaha and my elder brother-in-law Gaurav Marwaha had gone to watch the Dussehra program at the Old Dana Mandi Ground, GT Road, Chheharta. After watching the event, when we were leaving the Dana Mandi



Ground, my husband Deepak Marwaha and my brother-in-law Gaurav Marwaha were walking ahead of me while I was walking behind them. Suddenly, 8-10 young men approached from behind. Out of them, 3 came up to me with the intention of outraging my modesty. They grabbed me from behind and lifted my shirt from the front and back, exposing my body. Upon my raising a commotion, my husband Deepak Marwaha and brother-in-law Gaurav Marwaha intervened to stop those young men. At that moment, three of those men physically assaulted my husband. One of them struck Deepak Marwaha on the head with a metal bracelet (kara), causing him to bleed from the head. Due to the noise created by us, the public present at the Dussehra event managed to catch three of the accused and handed them over to the police officials deployed on Dussehra duty. Later, I came to know their names as Vishal Kumar, Aasu, and Rahul Chauhan. My husband Deepak Marwaha has gone to Chheharta police station to get a medical check-up for the injury on his head. I have come here personally along with my brother-in-law Gaurav Marwaha and given my statement. The statement has been read out to me, and I find it correct. Signed: Kanta Devi (in English) Also present: Gaurav Marwaha (Mobile No.85560-58350) Verified by: Sarabjit Singh, ASI, Police Station Chheharta, Amritsar City Date: 25-10 2023 Today, I (ASI) along with ASI Gurmej Singh No. 3200, ASI Harjinder Singh No. 3217, and PHG Paramjit Singh No. 9322 were on patrol in a private vehicle with a laptop and printer, conducting search operations for suspicious individuals and Dussehra duty checking at Narayangarh Chowk. At that time, I was approached by Kanta Devi, wife of Deepak Marwaha, resident of House No. 990, Shiv Mandir Street, Japani Mill, Chheharta, Amritsar,



along with her brother-in-law Gaurav Marwaha. She gave her statement in writing which was written, read aloud, and confirmed as correct by her. She signed the statement in English, which I have attested. Based on the statement, prima facie offences under sections 354 and 323 of the IPC (Indian Penal Code) are made out. The original statement is being sent to the police station through PHG Paramjit Singh No. 9322 for case registration. Once the case is registered, the FIR number should be communicated. Special reports are to be prepared and forwarded to senior officers and the area magistrate. The main officer of the police station and control room are to be informed. I, along with fellow police staff, am proceeding to the scene of the incident with the complainant Kanta Devi and her brother-in-law Gaurav Marwaha. Date & Time: Today at Narayangarh Chowk, 07:15 AM Signed: Sarabjit Singh, ASI, Police Station Chheharta, Amritsar City Date: 24-10-2023 Signed: Sarabjit Singh, ASI. At this time, upon receiving the written statement, the case has been registered under the mentioned sections, and the original statement along with a copy of the FIR is being sent through PHG Arinda to ASI at the scene. Special reports are being issued and sent to the area magistrate and senior officers via HC Sukhrajbir Singh 3750/ASR. The control room and station officer have been informed via telephone. Supplementary Report No.10 at 07:50 AM.”

2. Learned counsel for the petitioners submitted that after the aforesaid FIR was registered, the matter was investigated by the police and challan has been presented before the competent Court and charges have been framed in the present case but in the meantime, a compromise has been effected between respondent No.2-complainant and the petitioners vide Annexure P-2



and on the basis of the aforesaid compromise, the present petition has been filed by the petitioners for quashing of the FIR. He further submitted that the petitioners are young boys of the age of 21 years, 25 years and 25 years, respectively and as per the allegations, they alongwith other boys were at a Dussehra mela where they allegedly tried to outrage the modesty of respondent No.2-complainant, who was with her husband and thereafter, caused injury on the head of the husband of respondent No.2-complainant. He also submitted that since the matter has now been compromised between respondent No.2-complainant and the petitioners, no useful purpose will be served in case further prosecution is carried on because the career of the petitioners, who are young boys will be at stake and therefore, the present FIR may be quashed on the basis of compromise.

3. On the other hand, Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab submitted that he has received an advance copy of the present petition and has also sought instructions in the present case. He submitted on instructions that charges have been framed by the learned trial Court in the present case and now the matter is fixed for prosecution evidence. He further submitted that considering the seriousness of the offence and the allegations made in the FIR, investigation was thoroughly completed and challan was presented and thereafter, the learned trial Court has also framed charges against the petitioners on finding that *prima facie* case is made out against them on the basis of material available on record and in such cases which fall in the category of serious offence, the mere fact that compromise has been effected between the parties would not entitle the petitioners for seeking quashing of the



FIR on the basis of compromise. He also submitted that as per the allegations, respondent No.2-complainant alongwith her husband had gone to watch a Dussehra program at Old Dana Mandi Ground, GT Road, Chheharta and after watching the program as they were leaving, 8-10 young men suddenly approached from behind, out of which three of them who are the petitioners in the present case came towards respondent No.2-complainant with the intent to outrage her modesty and grabbed her from behind and lifted her shirt from both front and back and exposed her body.

4. Learned State counsel further submitted that respondent No.2-complainant was with her husband and at a short distance, her brother-in-law was also there, who thereafter alongwith the husband of respondent No.2-complainant intervened to stop the petitioners and upon their intervention, the petitioners physically assaulted the husband of respondent No.2-complainant and caused injury on his head with a metal bracelet (kara) causing him to bleed. He further submitted that thereafter, a noise was raised in the area and the public present there managed to catch the petitioners on the spot and handed them over to the police officials deployed on Dussehra duty. He also submitted that considering the aforesaid sequence of events, nature of the allegations against the petitioners and the role of the petitioners, they are not entitled to have the FIR quashed on the basis of compromise since it was an offence against the public at large and it is not an offence which can be termed as a private offence and referred to the judgment passed by Hon'ble Supreme Court in **State of Madhya Pradesh versus Laxmi Narayan and others, 2019(2) SCC (Crl.) 706** in this regard.



5. I have heard the learned counsels for the parties and also perused the present FIR as reproduced above as well as the compromise deed (Annexure P-2).

6. As per the allegations in the FIR and also as so stated by the learned State counsel, at the time when respondent No.2-complainant and her husband were returning after attending the Dussehra program, 8-10 young men were also present there and out of them, the present three petitioners lifted the shirt of respondent No.2-complainant from both front and back side and exposed her body with an attempt to molest her and on being spotted and objected to by her husband, who was also accompanying her, they caused injury on the head of the husband of respondent No.2-complainant with metal bracelet (kara) and as per the learned State counsel, he started bleeding from the head. The brother-in-law of respondent No.2-complainant, who was also accompanying them and was standing at a short distance upon seeing the same came to the spot and thereafter, noise was raised and the public present at the place of incident caught hold of the petitioners and handed them over to the police officials deployed on Dussehra duty.

7. It is a prayer made by the learned counsel for the petitioners that since now the matter has been compromised between the petitioners and respondent No.2-complainant vide Annexure P-2, no useful purpose will be served in case further prosecution is carried on. This Court is unable to agree with the aforesaid submission made by the learned counsel for the petitioners. The law with regard to quashing of the FIR on the basis of compromise is well settled. Hon'ble Supreme Court in



State of Madhya Pradesh versus Laxmi Narayan and others (Supra) 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;

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 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.”

8. There is no doubt that an FIR can be quashed on the basis of compromise but it is not a matter of right and each and every case has to be



seen in light of its own facts and circumstances. Where the offence is more or less in the nature of a private offence such like in the matrimonial cases, commercial disputes, money matters and some other offences of lighter nature, which does not affect public interest at large, then certainly given the facts and circumstances of each and every case, FIR can be quashed on the basis of compromise. Still there is no right vested in the accused for getting the quashing of FIR on the basis of compromise and the Court has to consider each and every case in a very cautious and diligent manner. It is also a settled law that those offences which are serious and heinous in nature regarding which even instances have been so stated in the judgment passed by Hon'ble Supreme Court in *State of Madhya Pradesh versus Laxmi Narayan and others (Supra)*, the same cannot be quashed on the basis of compromise at all. However, in cases of such like nature of the present case where as per the allegations, in a public place in a Dussehra program, a group of 8-10 young men including the present three petitioners allegedly tried to outrage the modesty of respondent No.2-complainant, who was accompanied by her husband and on being objected to by her husband, he was hit on the head with a metal bracelet (kara) by the petitioners and he started bleeding as per the learned State counsel, the aforesaid act cannot be termed as an offence which relates to a private offence but it is an offence which affects the public at large and particularly in view of the fact that the aforesaid incident took place at a public place where Dussehra program was going on.

9. Therefore, this Court is of the considered view that the facts and circumstances of the present case fall in the category of serious offence



notwithstanding the fact that the punishment provided under Section 354 of the IPC is imprisonment for a term of not less than one year but which may extend to five years, alongwith a fine.

10. In view of the aforesaid facts and circumstances, this Court is of the considered view that there is no merit in the present petition and the same is liable to be dismissed.

11. Consequently, the present petition is hereby dismissed.

12. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

13.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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