



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34909-2020
Date of Decision: 04.02.2025

GURNAAM SINGH @ KALA AND OTHERS
....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS
....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioners.

 Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 482 of Cr.P.C., seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 06.08.2020 (Annexure P-3), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section(s)	Police Station	District
82	20.07.2018	458, 324, 323, 148, 149 of IPC	Arniwala	Fazilka

2. Vide order dated 22.01.2025, following order was passed:-

 ‘Learned State counsel informs that there are total eight accused in the FIR, but the present petition has been filed by



seven accused and request for partial quashing of the FIR cannot be accepted under law.

As per the report of learned Judicial Magistrate First Class, Fazilka, there are 4-5 unknown person as disclosed in the statement of Investigating Officer, who are not the petitioners in present petition, however, the compromise between the seven petitioners and the respondents seems to be genuine, voluntary and without any undue influence, coercion or force.

Since, there is no representation on behalf of petitioner, adjourned to 29.01.2025.'

3. Report received by this Court, says as under:-

"Reference: CRM-M-34909-2020

Respected Sir,

1. It is humbly submitted that in compliance of the order dated 07/01/2021 passed in case referred above by Hon'ble Punjab & Haryana High Court, this Court recorded the statement of complainant/respondent no.2) Harwinder Singh, along with the statements of respondent no. 3) Balwant Singh, 4) Surinder Singh, 5) Jagsir Singh, 6) Jasvir Kaur and 7) Gurcharan Singh.

2. This court also recorded the statements of accused/petitioners namely 1) Gurnaam Singh alias Kala, 2) Deepak Singh alias Deepu, 3) Ishro Bai, 4) Manjit Singh alias Jeetu, 5) Sandeep Singh alias Deepu, 6) Ramesh Singh and 7) Gurcharan Singh with regard to the compromise. The complainant party was duly identified by their counsel Sh. Balwinder Singh, Advocate and the accused persons were identified by their counsel Sh. Paramjeet Singh, Advocate.

3. Both the parties to the case have suffered statements that with the intervention of the respectable persons, they have



voluntarily entered into a compromise without any undue influence, coercion or force, out of their free will.

4. Moreover, this court also recorded the statement of the Investigating Officer of the case namely ASI Piara Singh, No. 962/FZK, Police Station Arniwala, District Fazilka who has stated that the accused/petitioners are on bail in this case. There are four-five unknown persons also involved in the occurrence who are not a party to the petition. There are no other criminal cases of like nature or otherwise pending against the petitioners. The report of this court is hereby submitted as under:

(1) From the statements of the parties to the case, this court is satisfied that the compromise in the present case is genuine, voluntary and without any pressure or undue influence;

(ii) As per the FIR and statement of the Investigating Officer, there are four-five unknown persons also involved in the occurrence who are not a party to the petition. However, since these persons are unknown; this court is of the view that their consent is not required for the compromise; and

(iii) There are no other criminal cases of like nature or otherwise pending against the petitioners.

5. The original statements of all the parties and the investigating officer of the case are attached herewith. The report is hereby submitted please for your kind perusal. I am highly obliged.

Thanking You,

*Yours faithfully,
Judicial Magistrate 1st Class,
Fazilka."*

4. Though there is no representation on the side of the petitioners and respondent Nos.2 to 7 but learned State counsel submits that in the



translated version of the FIR, name of Bhajan Singh also appeared as 8th accused but in the vernacular of the FIR, there is no such name mentioned.

5. Through catena of judgments, Hon'ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

- *Power under Section 482 Cr.P.C./Section 582 BNSS can be exercised to enhance social amity, and to reduce friction.*
- *Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 582 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.*
- *There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C./Section 582 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".*
- *No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 582 of the BNSS.*
- *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.*
- *High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.*
- *Power under Section 482 Cr.P.C./Section 582 BNSS is to be exercised Ex-Debita Justitia to prevent an abuse of process of Court.*
- *Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.*
- *The exercise of power has to be with circumspection and restraint.*
- *The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.*



- *The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.*
- *Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*
- *Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.*

In this regard, judgments cited are:

1. **Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);**
 2. **Parbatbhai Aahir @ Parbatbhai Bhimsinbbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);**
 3. **Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and**
 4. **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]**
6. After going through the material available on record, this Court finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise, so effected between the private parties.
7. The report alongwith statements of the affected parties received from learned Court below would reveal that the complainant/victim person(s) have genuinely effected a compromise with the petitioners and they have no objection, if the impugned FIR and consequential proceedings are quashed.
8. Keeping in view the totality of the facts and circumstances of the case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, this petition is

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accepted and **FIR No.82** dated 20.07.2018, under Sections 458, 324, 323, 148, 149 of IPC registered at Police Station Arniwala, District Fazilka and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners, in view of compromise dated 06.08.2020, Annexure P-3.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 04, 2025
Sangeeta

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**