



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

CRM-M-33811-2024 (O&M)

Date of decision : 11.02.2025

Upinder Kumar and another

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Varlin Garg, Advocate for the petitioners.

Ms. Manjot Kaur, AAG, Punjab for respondent No.1.

Ms. Bhupinder Kaur, Advocate (through V.C.)
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*Cr.P.C.*) praying for quashing of FIR No.0166 dated 17.10.2018 (P-1), under Sections 420 & 406 of the Indian Penal Code, 1860, registered at Police Station Goraya, District Jalandhar Rural, along with all consequential proceedings arising therefrom on the basis of

2025.PHHC.019873



compromise dated 05.03.2024/05.07.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that the petitioners took camera on rent from complainant/respondent No.2-Sagar; but they neither pay any rent; nor returned the same.

(3) Contends that matter has been amicably settled between the parties i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.

(4) Learned Counsel for respondent No.2 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 FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) A Co-ordinate Bench, while issuing notice of motion on 12.09.2024, passed the following order:-

“Petitioners Upinder Kumar and Gita have filed petition under Section 482 Cr.P.C. for quashing of FIR No. 0166 dated 17.10.2018 under Section 420, 406 of IPC, registered at Police Station Goraya, District Jalandhar Rural (Annexure P-1) along with all consequential proceedings taken thereupon, on the basis of compromise.

2025:PHHC:019873



Notice of motion.

On the asking of this Court, Mr. Kewal Singh, Addl. AG, Punjab accepts notice on behalf of the State and prays for time to file status report. Learned counsel for the petitioners is directed to supply him a complete copy of the paper-book.

Ms. Bhupinder Kaur, Advocate appeared and filed Vakalatnama on behalf of respondent No. 2, which is taken on record.

Let statements of petitioners and respondent No. 2 be recorded with regard to compromise, on or before 21.10.2024 by learned Illaqa/Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, Court will send copies of same to this Court before the next date of hearing along with its report i.e,

- 1. The number of accused in the aforesaid FIR and to report whether any of the accused have been declared proclaimed offender(s) or any such proceedings have been initiated or pending against him/them.*
- 2. Whether compromise entered between the parties is genuine, voluntary without any coercion or undue influence.*
- 3. Statement of IO regarding involvement of petitioners in any other FIR.*
- 4. Status of the trial pending before the Court.*

To await the report, list again on 12.11.2024.

Status report be also filed by respondent – State by the adjourned date.”

(8) In terms of aforesaid order, statements of both the parties were recorded and a report dated 14.10.2024 has been received from learned Judicial Magistrate 1st Class, Phillaur. For reference, the operative part of report reads as under:-

2025.PHHC.019873



“Therefore, I am satisfied that the compromise arrived at between the complainant Sagar and accused Upinder Kumar and Gita is genuine, voluntarily, without any coercion, and undue influence.

5. *The statement of the complainant Sagar, accused Upinder Kumar and Gita which are duly countersigned by their respective counsels alongwith copies of their Aadhar Cards for the kind perusal.”*

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 Versus 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 involve public funds. Thus, quashing of the FIR 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 FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

11th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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