



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

CRM-M-34587-2024 (O&M)

Date of decision : 06.03.2025

Harjit Singh @ Kala and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Singla, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Manish Deswal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short '*Cr.P.C.*') praying for quashing of FIR No.118 dated 20.04.2024 (P-1), under Sections 307, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*); Section 25 of the Arms Act, 1959 (*for short 'Arms Act'*); Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act, 2015) [Section 307 IPC & Section 25 of the Arms Act deleted during investigation], registered at Police Station Mullana, District

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Ambala along with all consequential proceedings arising therefrom on the basis of compromise dated 03.06.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that petitioners scuffled with complainant and started abusing him related to his caste and when complainant tried to get hold of petitioners, they fired shot in the air.

(3) Contends that it is a no injury case and matter has been amicably settled between the parties i.e. petitioners as well as respondent No.2 at their own level; thus, pendency of the proceedings on the basis of aforesaid FIR shall be abuse of the process of the Court.

(4) Learned Counsel for respondent No.2/complainant has also acknowledged the factum of compromise and stated that he has no objection if the prayer of petitioners is accepted.

(5) *Per contra*, learned State Counsel, on instructions from the police official concerned, has opposed the prayer.

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

(7) A Coordinate Bench, on 04.09.2024, passed the following order in the main case:-

“Through the instant petition, prayer is made for quashing of FIR No.118 dated 20.04.2024, under Sections 307, 323, 34 and 506 IPC, 1860, and under Section 25 of the Arms Act, 1959, under Section 3(1)(R) of SC & ST Act, 1989 (Section 307 IPC, and Section 25 of Arms Act, deleted during investigation) registered at Police Station Mullana,

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District Ambala and all subsequent proceedings enumerating therefrom, on the basis of compromise dated 03.06.2024 (Annexure P-2).

Notice of motion.

Mr. Bhupinder Singh, DAG, Haryana, waives service on behalf of the respondent-State and furnished reply dated 03.09.2024 by way of affidavit of Mr. Suresh Kumar, HPS, Deputy Superintendent of Police, Barara, District Ambala on behalf of the respondent-State of Haryana in Court today. The same is taken on record. Copy thereof supplied to learned counsel for the petitioners.

Mr. Manish Deswal, Advocate appeared on behalf of the respondent No.2, through validly executed vakalatnama which is already on record, has submitted that he has no objection in case the FIR (supra) is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned within one month from today to get their respective statements recorded regarding the compromise and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition, specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned to get his statement recorded regarding compromise.

To come up on 23.10.2024.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

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(8) On 06.11.2024, the Coordinate Bench has passed the following order:-

“As per the report received from the learned trial Court concerned, no one has caused appearance, either on behalf of the complainant, or the petitioners, to record their statement.

Learned counsel for the petitioners has made a request for another opportunity, to cause appearance before the learned trial Court concerned, to make compliance of the directions, issued by this Court, vide order dated 04.09.2024.

The asked for request is accepted.

The petitioners, as well as the respondent No.2/complainant, is granted one more opportunity, to get their statements recorded, before the learned trial Court concerned, within 15 days from today. In case, they cause appearance before the learned trial Court concerned, the latter, shall in pursuance of the order dated 04.09.2024, passed by this Court, after recording their statements, will send a report to this Court, before the next date of hearing.

Adjourned to 09.12.2024.

The petitioner is burdened with a cost of Rs.5,000/-, to be deposited with the District Legal Services Authority, concerned.”

(9) In terms of aforesaid order(s), statements of both the parties were recorded and a report dated 20.11.2024 has been received from learned Judicial Magistrate 1st Class, Ambala. For reference, the operative part of report reads as under:-

“3. As per the respective statements of complainant, victim, injured and accused, the compromise seems to have been

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effected voluntarily and further seems to be genuine compromise.

4. The complainant Balwinder Singh, victim Abhishek stated to have compromised the matter with accused Harjit Singh and Gurdarshan Singh.

5. Statement of IO/DSP Suresh Kumar also recorded. As per his statement, no other criminal case is pending against accused Harjit Singh and Gurdarshan Singh and except complainant Balwinder Singh and victim Abhishek no other person is/was involved in the present case. None of the accused is declared as proclaimed offender in the present case. There is no other accused in the present matter except the petitioners.”

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.

(10) 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

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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

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affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

(11) Although, learned State Counsel, on instructions from the police official concerned, has opposed the prayer; but since Section 307 IPC & Section 25 of the Arms Act were deleted during investigation; this is a “no injury case”; matter has been amicably settled between the parties and more particularly, report has also been received from learned Judicial Magistrate 1st Class, Ambala, which clearly indicates that compromise is voluntary and genuine.

(12) In view of above discussions, 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 FIR in question along with consequential proceedings, on the basis of compromise, would bring peace and harmony to secure the ends of justice.

(13) 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.

6th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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