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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-37576-2023 (O&M)
Date of Decision: 03.03.2025

Pawan Bhardwaj

.....Petitioner

Versus

Union Territory Chandigarh and others

.....Respondents

CRM-M-49108-2023 (O&M)

Prem Lal Middha

.....Petitioner

Versus

Union Territory Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S.Madaan, Advocate for the petitioner
in CRM-M-37576-2023 &
Mr. Pranjal P. Chaudhary, Advocate
for the petitioner in CRM-M-49108-2023.

Mr. Abhinav Gupta, Addl. PP for U.T., Chandigarh.

Mr. Animesh Sharma, Advocate and
Ms. Shuchi Sodhi, Advocate for respondent Nos. 2 and 3
in CRM-M-37576-2023 and for respondent No.2
in CRM-M-49108-2023.

MAHABIR SINGH SINDHU, J.

This judgment shall dispose off aforementioned two criminal petitions as common questions of facts and law are involved therein. For brevity, the facts are taken from CRM-M-37576-2023.



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2. Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') praying for quashing of FIR No.113 dated 30.08.2022 (**P-1**), under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 11, Chandigarh, along with all consequential proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 31.10.2022 (**P-2**), entered into between the parties i.e. petitioner as well as respondent Nos.2 and 3.

3. Allegations are that petitioner(s) induced complainant(s) Nachattar Kaur Sohi and Darshan Singh Sohi to deliver Rs.1,03,69,000/- for purchase flat in Mohali; but neither sale deed was executed; nor any flat was delivered to them.

4. Status report by way of affidavit dated 02.02.2024 of Ms. Niyati Mittal, DANIPS, Deputy Superintendent of Police (EOW), UT, Chandigarh on behalf of respondents has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

5. At the outset, learned counsel for the petitioner in CRM-M-49108-2023 apprised that in FIR No.523 dated 11.09.2023 registered under Sections 420 and 120-B of IPC at Police Station Sector 34, Chandigarh, petitioner Prem Lal Middha in CRM-M-49108-2023 stands acquitted by the Court vide judgment dated 18.03.2024.

6. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed *qua* the petitioners.

7. Learned counsel for respondent Nos.2 & 3 in CRM-M-37576-



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2023 and learned counsel for respondent No.2 in CRM-M-49108-2023 has also acknowledged the contention raised on behalf of the petitioner(s).

8. 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 i.e. petitioner(s) as well as respondent(s).

9. Heard learned counsel for the parties and perused the paper-book.

10. A Co-ordinate Bench, on 21.08.2024, passed the following order:-

“Since both the aforesaid petitions have been filed on behalf of the petitioner(s) seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties, this Court deems appropriate that statements of the parties be recorded to ascertain the factum of compromise.

List again on 10.2.2025.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioner(s), arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

It shall be open to the complainant/Nachhatter Kaur Sohi to get her statement recorded through her nominated Special Power of Attorney or through video conferencing subject to convenience of the Court.

The report be submitted before this Court on or before the next



date.
A copy of this order be placed on the file of connected case.”

11. In terms of aforesaid order, statements of both the parties were recorded and a comprehensive report dated 04.02.2025 has been received from learned Judicial Magistrate First Class, Chandigarh. For reference, the operative part of report reads as under:-

1	<i>Whether there is any accused other than the petitioner(s), arrayed in petition?</i>	<i>As per statement of IO, there are only two accused person namely Pawan Bhardwaj & Prem Lal Midha in the present case.</i>
2	<i>Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?</i>	<i>No.</i>
3	<i>Whether any accused has been declared proclaimed offender?</i>	<i>As per the statement of IO, accused persons have never been declared proclaimed offender.</i>
4	<i>Whether the compromise is question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?</i>	<i>Yes, the compromise so arrived at between the parties is genuine, voluntary and without any coercion or undue influence.</i>

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.

12. Hon’ble the Supreme Court in **Gian Singh v. 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.”

13. 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.



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14. Consequently, present petitions are allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioner(s).

15. A photocopy of this order be placed on the file of the connected case.

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

03.03.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No