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

**CRM-M-40568-2023 (O&M)
Date of decision : 24.02.2025**

Naib Singh

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Madhu Bala, Advocate for
Mr. Janak Singh Bhinder, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Ms. Uzra Khan, Advocate for
Mr. B.S. Toor, Advocate,
for respondent Nos.2 to 4.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, praying for quashing of FIR No.85 dated 16.07.2023 (P-1), under Sections 452, 341, 332, 353, 186, 147 and 148 of Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Dirba, District Sangrur, along with all consequential proceedings arising therefrom on the basis of compromise dated 04.08.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 4.

2. Allegations are that on 15.07.2023, the petitioner along with four unknown accomplices went to control room of electricity department and manhandled the complainants- Rohit Garg, and Raju Bawa and Baltej



Singh (all Field Workers) and inflicted injuries to them and also broke glass windows of the government building.

3. A Co-ordinate Bench, while issuing notice of motion on 18.08.2023, passed the following order:-

“Learned counsel for the petitioner inter alia submits that the parties have entered into a compromise and on the basis thereof, they seek quashing of case FIR No.85 dated 16.07.2023, under Sections 452, 341, 332, 353, 186, 147 and 148 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Dirba, District Sangrur and all other subsequent proceedings arising therefrom. Learned counsel for the petitioner further submits that the petitioner is ready to adequately compensate for the loss of public property suffered by erstwhile Punjab State Electricity Board now Punjab State Power Corporation Ltd.

Notice of motion.

Mr. Sanish Girdhar, AAG., Punjab, puts in appearance on behalf of respondent No.1-State and waives service.

At this stage, Mr. B.S. Toor, Advocate, puts in appearance on behalf of respondent Nos.2 to 4, and has filed his Power of Attorney, which is taken on record. He acknowledges that the matter has been compromised between the parties and the complainant party does not wish to pursue the FIR in question.

In the meanwhile, the petitioner is directed to deposit costs of Rs.10,000/- with Punjab State Power Corporation Ltd. and submit the requisite receipt before the trial Court.

In view of the above, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate/Duty Magistrate for recording their statements on 29.08.2023 or any other date convenient to the concerned Court. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the Court at the time of recording statement of the parties.

The concerned Court is directed to submit a report on or before the next date of hearing, containing the following information:-



1. *Number of persons arrayed as accused.*
 2. *Whether any accused is proclaimed person?*
 3. *Whether all the accused/petitioner(s) is/are appearing before the Court?*
 4. *Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
 5. *Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
 6. *The trial Court/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*
- The State to file status report before the next date. List on 07.12.2023.”*

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 14.11.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Sunam. The operative part of the same reads as under:-

“After going through the statements given by complainant namely Rohit Garg @ Rohit Kumar, injured Baltej Singh and Raju Bawa and accused Naib Singh, the following report is submitted as desired by your goodself vide order dated 18.08.2023:-

1. One person namely Naib Singh son of Gurmail Singh, resident of Ward No.4, Dirba, has been arrayed as an accused in the present FIR.
2. The accused is not declared as proclaimed offender in the present case.
3. *Accused, involved in the present FIR, is appearing before the Court.*
4. The compromise is genuine, voluntary and without any coercion or undue influence.
5. The accused is not involved in any other FIR.
6. *Three persons as complainant/victims are involved in the present FIR.”*



5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, also apprised that during investigation, it was not found that any loss has been caused to the public property; thus, she raised no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise.

7. 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.”

8. In view of above, this Court is convinced that the offence is entirely personal in nature and does not affect public peace or tranquility or public property in any manner. 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.

9. 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.

24.02.2025
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(MAHABIR SINGH SINDHU)
JUDGE

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