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

CRM-M-39961-2024 (O&M)**Date of decision: 30.04.2025**

Lakhvir Singh @ Lakhveer Singh and another ... Petitioner(s)

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Manpreet Kaur, Advocate, for
Mr. N.S.Sidhu, Advocate for the petitioners.

Mr. T.P.S.Walia, AAG, Punjab.

Mr. Ajay Singh Pundir, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

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. 118 dated 11.09.2023 (P-1), under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sangat, District Bathinda, along with all consequential proceedings arising therefrom on the basis of compromise dated 06.08.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners along with co-accused in furtherance of their common intention duped *de facto* complainant to the tune of Rs.90,000/- on pretext of getting him job.

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



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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 20.08.2024, passed the following order:-

“The Prayer in this petition under Section 482 Cr.PC is for the quashing of the FIR No.118 dated 11.09.2023 under Sections 420, 465, 467, 468, 471, 34 IPC registered at P.S. Sangat District Bathinda, Punjab and all other consequential proceedings arising therefrom, on the basis of compromise dated 06.08.2024 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 20.01.2025.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1-State of Punjab whereas Mr. Ajay Singh, Advocate accepts notice on behalf of respondent no.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which, complainant does not wish to press the allegations alleged in the complaint any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 20.11.2024 with regard to the compromise by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many*



victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

The petitioners shall deposit a cost of Rs.25,000/- with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 15.04.2025 has been received from learned Judicial Magistrate First Class, Bathinda. For reference, the operative part of report reads as under:-

- “1. Only two persons have been arrayed as accused in the present FIR namely Lakhvir Singh @ Lakhveer Singh and Safi Khan @ Mohammad Safi;*
- 2. From the perusal of the statement of the Investigating Officer as well as from the perusal of the file, it transpires that none of the accused persons have been declared proclaimed offender in the present case;*
- 3. From the statements of the parties suffered before this Court, the undersigned is of the considered opinion that the compromise between the parties is genuine, voluntary and without any coercion or undue influence;*
- 4. From the perusal of the statement of the Investigating Officer, it transpires that the accused persons are not involved in any other FIR;*
- 5. The statement of complainant has been duly recorded by this Court. There is no other victim/aggrieved person in the present case;*
- 6. The statement of Investigating Officer has been duly recorded by this Court. From the perusal of the statement of the Investigating Officer as well as from the perusal of the record, it transpires that only one person has been arrayed as complainant in the present FIR and the complainant as well as both the accused persons are party to the compromise in question.”*

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 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



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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.

30.04.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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