



CRM-M-40219-2024

1

125/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40219-2024 (O&M)
Date of decision : 03.03.2025

Paramjeet Kaur and another

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navinder Jit Singh Dandiwal, Advocate, for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') praying for quashing of FIR No. 191 dated 19.10.2023 (**P-1**), under Sections 458, 380, 427, 506 and 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Bagha Purana, District Moga, along with all consequential proceedings arising therefrom on the basis of compromise dated 03.07.2024 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners along with other co-accused formed an unlawful assembly and in prosecution of their common object armed with deadly weapons trespassed into the premises of *de facto* complainant-Tejinder Kaur with an intention to kill her and also committed theft.

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



CRM-M-40219-2024

2

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 22.08.2024, passed the following order:-

“Petitioner(s) filed 2nd petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNSS) for quashing of FIR No.191 dated 19.10.2023, registered under Sections 458, 380, 427, 506, 148, 149 of IPC, at Police Station Bagha Purana, District Moga (Annexure P-1) and all the subsequent proceedings arising therefrom, qua petitioners, in light of the compromise effected between the parties dated 03.07.2024 (Annexure P-2).

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State.

Mr. Kuldeep Singh Saini, Advocate appeared on behalf of respondent No.2 and filed power of attorney along with special power of attorney executed by respondent No.2 in favour of Iqbal Singh Dhaliwal, are taken on record. He submits that respondent No.2 is out of India and she be permitted to record her statement through video conferencing.

Let the statements of petitioners and respondent No.2 (through video conferencing to be identified by her special power of attorney holder) be recorded with regard to the compromise on or before 23.09.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the 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 has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence.



CRM-M-40219-2024

3

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 15.10.2024.

Status report be 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 12.09.2024 has been received from learned Judicial Magistrate First Class, Baghapurana. For reference, the operative part of report reads as under:-

“1. That as per the statement ASI Jagmohan Singh and as per the FIR, there are three accused persons in the FIR namely Nirmal Singh, Paramjeet Kaur and Beerbal and they have not declared proclaimed persons nor any criminal case is pending against them. It has brought to your kind notice that quashing petition bearing No. CRM-M-18690-2024 against accused Nirmal Singh is already pending before Hon'ble Punjab & Haryana High Court and same is fixed before Hon'ble Punjab & Haryana High Court for 30.09.2024.

2. That the statements of parties have been recorded in presence of their counsels. So, I am satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

3. Statement of IO has been recorded and as per his statement no other criminal case is pending against the accused persons.

4. That as per the statement of ASI Jagmohan Singh, Investigating Officer, Investigation in the present case against the above-said accused persons is still pending.”

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 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 affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential



CRM-M-40219-2024 5

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.

03.03.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>