

**CRM-M-41025-2024 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.122****CRM-M-41025-2024 (O&M)****Decided On : February 05, 2025**

Jagir Singh @ Sukhwinder Singh @ Sukha and others Petitioners

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

* * *

Present : Mr. Jaswinder Singh Rana, Advocate
for Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. G. S. Rawat, Advocate
for respondent no.2.

* * *

MAHABIR SINGH SINDHU, J. (Oral) :

Present petition has been filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita (for short, 'BNSS'), praying for quashing of FIR
No.153 dated 25.07.2024 (Annexure P-1), under Section 420 of Indian Penal
Code, 1860 and Section 24 of Immigration Act, 1983, registered at Police
Station Dasuya, District Hoshiarpur, along with all subsequent proceedings
arising therefrom on the basis of compromise dated 10.08.2024 (Annexure
P-2), entered into between the parties i.e. petitioners as well as respondent
No.2.

2. Allegations are that the petitioners duped complainant by taking
an amount of Rs.15,00,000/- on the pretext of sending complainant's son
abroad, but they failed to do so.



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 subsequent 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 subsequent 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 23.08.2024, passed the following order :-

“Petitioners have filed the present petition seeking quashing of FIR No.153 dated 25.07.2024, under Section 420 of IPC and Section 24 of Immigration Act, 1983, registered at Police Station Dasuya, District Hoshiarpur along with consequent proceedings arising therefrom on the basis of compromise dated 10.08.2024 (Annexure P-2).

Learned counsel for the petitioners has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. G.S. Rawat, Advocate accepts notice on behalf of respondent No.2. He has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected



between the parties.

Adjourned to 12.11.2024.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 03.10.2024 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 27.01.2025 has been received from learned Sub Divisional Judicial Magistrate, Dasuya. For reference, the operative part of report reads as under :-

“In this regard, statement of respondent/ complainant Resham Chand son of Puran Chand, R/o Archana Colony, P.S. Dasuya, Tehsil Dasuya, District Hoshiarpur and Petitioner/Accused Jagir Singh @ Sukhwinder Singh @ Sukha, Ravinder Kaur @ Khushi wife of Sukhwinder Singh @ Sukha @ Jagir Singh, Kashmir Singh @ Sonu and Parkash Singh son of Mehnga Ram, all residents of village Pamman, Talwandian Chaudrian, District Kapurthala were

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recorded. Wherein, it has been stated by the complainant and the accused that matter has been compromised between them with the intervention of respectable persons. They have given their statements with their free will and without any coercion or any pressure. Further, the parties were duly identified by their respective Ld. Counsels, besides, they were asked to submit photocopies of their identify proof to ensure their identities.

Keeping in view the above said statements of the parties concerned and their oral version made before the undersigned it can be ascertained that the compromise drawn amongst them is genuine and authentic, and has been entered/signed into by the parties with their free will and consent.

It is further submitted that the statement of Investigating Officer ASI Sarabjit Singh no. 602/HPR presently posted at Police Station Dasuya, District Hoshiarpur recorded and the undersigned submits to your kind honour, the following point wise facts, as desired :-

submit his report, which is as under;-

- 1) As per the statement of I.O there are four accused in the FIR namely Jagir Singh @ Sukhwinder Singh @ Sukha, Ravinder Kaur @ Khushi, Kashmir Singh @ Sonu and Parkash Suingh in the present FIR and there is no other accused/petitioner except Petitioner/Accused. the present*
- 2) As per the statement of I.O in the present complaint the name of complainant is Resham Singh son of Puran Chand.*
- 3) As per the statement of I.O none of the accused/petitioners as well as complainant has been declared P.O by any court of competent jurisdiction.*



4) *As per the statement of I.O one FIR no. 9 dated 22-01-2015, U/s 406/420 IPC, P.S. Sultanpur Lodhi, District Kapurthala has been registered against the accused Jagir singh @ Sukhwinder Singh @ Sukha. No FIR was registered against the remaining accused persons namely Ravinder Kaur @ Khushi, Kashmir Singh @ Sony and Parkash Singh.*

Report submitted, please.”

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

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serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victims 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 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 subsequent proceedings resulting therefrom are quashed qua the petitioners.

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

February 05, 2025
monika

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned ?	Yes.
Whether reportable ?	No.