

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

126

CRM-M-43132-2024

Date of decision: 22.07.2025

LAKHWINDER SINGH AND ORS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kamal Narula, Advocate for the petitioners.

Mr. G.S. Bhullar, AAG, Punjab.

Mr. P.S. Chahal, Advocate for respondent No.2.

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**SUMEET GOEL, J.**

1. The present petition has been filed under Section 482 of Cr.P.C. with a prayer to quash the FIR No.169 dated 05.07.2022 under Sections 326-A, 427, 148, 149 of IPC, registered at Police Station Guruharshai, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 16.02.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 17.03.2025, the following order was passed:

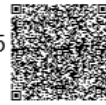
*“Contends that matter has been amicably settled between the parties i.e. petitioners as well as respondent No.2.*

*(2) It transpires that notice of motion has already been issued by the Coordinate Bench, vide order dated 04.09.2024.*

*(3) Learned Counsel for respondent No.2 acknowledged the factum of compromise dated 16.02.2023 (P-2) arrived at between the parties at their own level.*

*(4) Respondent No.2-Komal Rani Dhawan, wife of petitioner No.1, present in Court, acknowledged voluntarily that matter has been amicably settled between the parties and she is residing with her husband and living peaceful life along with their minor child.*

*(5) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.*



(6) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 03.04.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(7) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(8) List before this Court on 29.04.2025 for further consideration.

(9) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(10) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.

(11) Be shown in the urgent list.”

3. Pursuant to the aforesaid order, report dated 16.04.2025 from Sub Divisional Judicial Magistrate, Guruharsahai has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

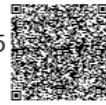
Yes. The statement of the parties are bonafide and not result of any pressure or coercion etc., in any manner.

(ii) Whether the compromise effected between the parties is genuine and valid?

The compromise effected between the parties is genuine and valid.

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such persons?

As per the statement of complainant namely Komal Rani Dhawan and that of petitioners/accused namely Lakhwinder Singh, Darshna Rani, Sudesh Kumar and Pawan Kumar, the FIR was registered against total seven persons namely Lakhwinder Singh s/o Sudesh Kumar, Darshna Rani w/o Sudesh Kumar, Sudesh Kumar s/o Rulda Ram, Pawan Kumar s/o Sudesh Kumar all residents of near Imperial Enclave, Guruharsahai, and Dharampreet s/o Rakesh Sodhi, Gulshan Abrol s/o Darshan Lal and Harjinderpal s/o Joginder Singh all rs/o Village Jhawla, Tehsil Guruharsahai, out of whom, three accused namely Dharampreet s/o Rakesh Sodhi, Gulshan Abrol s/o Darshan Lal and Harjinderpal s/o Joginder Singh all rs/o Village Jhawla, Tehsil Guruharsahai, were declared innocent by the police during investigation and the remaining accused namely Lakhwinder Singh, Darshna Rani, Sudesh Kumar and



*Pawan Kumar, and that of complainant and injured namely Komal Rani Dhawan is party to the compromise.*

*(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

*As per statement of petitioners and that of ASI Mehal Singh, the IO, no other case is pending against either of the parties, as per record.*

*(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

*As per statement of petitioners and that of ASI Mehal Singh, the IO, no person involved in this case has been declared as proclaimed offender.*

*(vi) Whether any of the petitioners is previous convict or not?*

*As per statement of petitioners and that of ASI Mehal Singh, the IO, none of the petitioners are previous convict, as per record.”*

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

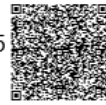
6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

(a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*

(b) *However, wider the power greater the caution.*

(c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings*



*recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*

- (d) The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*
- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 482 of Cr.P.C. to quash the FIR as :-



- (i) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition.*

9. Consequently, the petition is allowed. FIR No.169 dated 05.07.2022 under Sections 326-A, 427, 148, 149 of IPC, registered at Police Station Guruharshai, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 16.02.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)  
JUDGE

July 22, 2025  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |