



CRM-M-42282-20241

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
284

CRM-M-42282-2024
Decided on: February 13, 2025

Rinku Masih and another
.....Petitioner
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Utkrant Mahajan, Advocate,
for Mr. Vipin Mahajan, Advocate,
for the petitioners.

Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

None for respondent No. 2/complainant.

SANJAY VASHISTH, J.

1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 24.08.2024 (Annexure P-2), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section(s)	Police Station	District
43	15.08.2024	117(2), 115(2), 3(5) of BNS, 2023	Dorangla	Gurdaspur

2. Vide order dated 30.08.2024, the affected parties were directed to appear before the learned Trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.



3. Pursuant to the aforementioned order, the parties appeared before the Court of learned Judicial Magistrate Ist Class, Gurdaspur, and as per report No. 324, dated 09.10.2024, as forwarded to this Court by learned District and Sessions Judge, Gurdaspur, vide letter No. 21626/RKT, dated 10.10.2024, both the parties have got recorded their respective statements in Court. From the report received from the learned Court below, the following is discernible:-

Sr. No.	Description	
1.	Total number of persons found involved as accused in the dispute/FIR	Two accused, namely, (1) Rinku Masih s/o Raj Masih (petitioner No. 1) ; and (2) Raj Masih @ Aaja Masih (petitioner No. 2)
2.	Number of complainant/aggrieved person	One, i.e. Dhira Masih (respondent No. 2)
3.	Whether all the accused and complainant / aggrieved person are party to compromise & signed the same	Yes
4.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication	No
5.	Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence	From the statement of the parties, it appears that compromise is genuine, voluntary and without any pressure, fraud or misrepresentation and is the result of free will of the parties. The Ld. Counsel Sh. M.S. Goraya, Advocate appeared for accused and he identify accused Rinku and Raj Masih. The Ld. Counsel Sh. Tarjeet Singh, Advocate appeared for complainant and he identify complainant Dhira Masih. Investigating Officer also identify accused and complainant and the identity of the accused persons as



		well as complainant was also verified by their identity card in Court.
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4. Counsel for the petitioners submits that in view of the report received from the learned Court Below, it is evident that the matter has been resolved and private parties have effected a compromise, and there remains no dispute amongst them requiring any adjudication. Further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law, and the same may be quashed.

5. Learned State counsel, after going through the statements and the report received from learned Court below, very fairly admit that the private parties have resolved their dispute and effected a compromise and that he has no objection if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

6. On 30.08.2024, when the matter came up for consideration, Ms. Tejinder Kaur, Advocate, had put in appearance on behalf of respondent No. 2 and also filed Power of Attorney. However, today there is no representation on behalf of respondent No. 2.

7. Through catena of judgments, Hon’ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

- *Power under Section 482 Cr.P.C./Section 582 BNSS can be exercised to enhance social amity, and to reduce friction.*
- *Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 582 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.*
- *There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section*



482 Cr.P.C./Section 582 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".

- *No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 582 of the BNSS.*
- *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.*
- *High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.*
- *Power under Section 482 Cr.P.C./Section 582 BNSS is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court.*
- *Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.*
- *The exercise of power has to be with circumspection and restraint.*
- *The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.*
- *The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.*
- *Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*
- *Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.*

In this regard, judgments cited are:

1. **Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);**
2. **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);**



3. Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and
4. Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]

8. After hearing counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise, so effected between the private parties.

9. The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2, who is complainant/aggrieved person, has genuinely effected a compromise with the petitioners and also got recorded his statement to the effect that he has no objection, if the impugned FIR and consequential proceedings are quashed.

10. Keeping in view the totality of the facts and circumstances of the case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, this petition is accepted and **FIR (as detailed in para No. 1 above) and all the consequential proceedings arising therefrom** are hereby quashed *qua* the petitioners, in view of compromise dated 24.08.2024 (Annexure P-2).

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 13, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**