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

**CRM-M-43240-2024 (O&M)
Date of decision : 19.05.2025**

Jagmandeep Singh @ Minku

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sajjan Singh, Advocate for
Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Mr. Kuljit Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.0035 dated 28.05.2023 (P-1), under Sections 353, 186, 332 and 506 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Abohar, District Fazilka along with all consequential proceedings arising therefrom on the basis of compromise dated 26.08.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that petitioner had assaulted respondent No.2 (Raj Kumar) with slaps and fist blows while he was on Government duty and also caused obstruction in performing official duty being public servant.



3. Contends that matter has been amicably settled between the parties, i.e. petitioner 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 the contention raised on behalf of the petitioner.
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 i.e. petitioner as well as respondent No.2.
6. Heard learned counsel for the parties and perused the paper-book.
7. The Co-ordinate Bench, while issuing notice of motion on 03.09.2024, passed the following order:-

“The present petition has been filed seeking quashing of FIR No.35, dated 28.05.2023, under Sections 353, 186, 332 and 506 of the IPC, registered at Police Station Sadar Abohar, District Fazilka, and all the other consequential proceedings arising therefrom, on the basis of compromise dated 26.08.2024 (Annexure P-2).

This Court has put a specific query to learned counsel for the petitioner, whether, the instant FIR can be quashed on the basis of compromise, in which one of the offences, is punishable under Section 353 of the IPC.

*To answer the aforesaid query, he placed reliance upon a judgment of the Division Bench of this Court, in **“Vinod alias Boda and others vs. State of Haryana and another”, 2017(1) RCR (Crl.) 571.***

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1-State and waives service.



At this stage, Mr. Kuljit Singh, has caused appearance on behalf of respondent No.2, through a validly executed power of attorney in his favour. The same is taken on record. He submitted that he has no objection in case the FIR (supra), is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.

To come up on 16.10.2024.

The State counsel is also directed to file a reply to the instant petition, as well as to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 17.09.2024 has been received from learned



Judicial Magistrate First Class, Abohar. For reference, the operative part of report reads as under:-

- “i. It is submitted that as per statement of Investigating Officer, one (1) accused person arrayed as accused in the FIR and there is no other accused in the present FIR except the above said one (1) accused persons(petitioners).*
- ii. It is further submitted that as per statement of Investigating Officer, accused person has not been declared proclaimed persons/offender in the present FIR.*
- iii. It is further submitted that case is pending for framing of charge against the accused in the trial Court.*
- iv. It is further submitted that in view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, voluntary and without any coercion or undue influence.*
- v. It is further submitted that as per statement of Investigating Officer. there is two victims namely complainant Raj Kumar and other victim namely Sukhjit Singh, Executive Engineer, Canal and Ground Water Division Abohar.”*

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 involve public peace or tranquility. 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 petitioner.

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

19.05.2025
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(MAHABIR SINGH SINDHU)
JUDGE

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