



141

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

CRM-M-48063-2024 (O&M)

Date of decision : 09.04.2025

Suhail Kataria

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Angad Parmar, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Kashish Thakur, Advocate for
Mr. Prikshit Thakur, Advocate respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.18 dated 16.02.2023 (P-1), under Sections 279, 337 and 338 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar, along with all consequential proceedings arising therefrom on the basis of compromise dated 12.09.2024 (P-3), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Learned counsel for the petitioner has produced on record receipt of costs deposited in terms of the order 25.09.2024 passed by Co-ordinate Bench of this Court. The same is taken on record as Mark 'X'. Registry to do the needful.



3. Allegations are that the petitioner while driving the Activa scooter in a rash or negligent manner hit the *de facto* complainant Munish Bahri, due to which he received injuries on his person.
4. 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.
5. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioner.
6. 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 well as respondent No.2.
7. Heard learned counsel for the parties and perused the paper-book.
8. The Co-ordinate Bench, while issuing notice of motion on 25.09.2024, passed the following order:-

“The prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.18, dated 16.02.2023, under Sections 279, 337, 338 of IPC, 1860, registered at Police Station Navi Baradari, District Police Commissionerate, Jalandhar and challan/report under Section 173 Cr.P.C. along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Manjot Kaur, AAG, Punjab appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.



Mr. Prikshit Thakur, Advocate, has appeared and filed his power of attorney on behalf of respondent No.2. He affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaq Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise by moving an application or presenting this order. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to trial Court/Illaq Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether challan is presented in the Court? If so, against how many accused;*
- (iii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iv) status/stage of the trial/case;*
- (v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.*

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 16.01.2025.

The petitioner shall deposit costs of Rs.10,000/- with the Institute for Blind, Sector-26, Chandigarh, on or before the date of recording of their statements and produce copy of receipt before the trial Court/Illaq Magistrate.”

9. In terms of aforesaid order, statements of both the parties were recorded and a report dated 08.01.2025 has been received from learned Judicial Magistrate First Class, Jalandhar. For reference, the operative part of report reads as under:-

“5. I have gone through the statements given by complainant Munish Bahri, accused Suhail Kataria as well as



statement of I.O. and after perusal of the same, the pointwise requisite report of the undersigned is as under:-

- | | |
|---|--|
| (i) <i>How many total accused are facing the trial.</i> | <i>One accused namely Suhail Kataria is facing the trial.</i> |
| (ii) <i>Whether challan is presented in the Court? If so, against how many accused;</i> | <i>Challan has been presented against one accused namely Suhail Kataria on 27.08.2024</i> |
| (iii) <i>Whether any of the accused was declared proclaimed offender at any stage of trial;</i> | <i>No the accused was not declared proclaimed offender at any stage of trial.</i> |
| (iv) <i>Status/stage of the trial/case;</i> | <i>The case is at the stage of consideration on charge.</i> |
| (v) <i>To record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise</i> | <i>Statements of both the parties have been recorded with regard to the genuineness and validity or otherwise of the compromise.</i> |
| (vi) <i>To record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above</i> | <i>Statement of Investigating Officer with regard to points No. (i), (ii), (iii) and (iv) have been recorded.</i> |

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.

10. 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.”

11. 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



proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

12. 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.

09.04.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

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