

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
296-4

CRM-M-49910-2024
Date of decision: 15.01.2025

ROHIT MALHOTRA @ ROHIT KUMAR
...PETITIONER
V/s

STATE OF PUNJAB AND ANR
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vansh Chawla, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

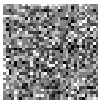
Mr. Naveen Bawa, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.194 dated 10.09.2023 under Sections 420, 506, 120-B of IPC, registered at Police Station Tibba, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 21.06.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 22.10.2024, the following order was passed:

*“The petitioner arraigned as accused in the FIR captioned below has come up before this Court under Section 528 to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).
Notice served upon the official respondent(s) through State counsel. In case the State wants to file its response, they must do so positively before the next date.*



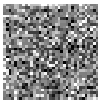
Counsel for the petitioners undertakes to inform private respondent(s) and will ensure presence of all victim(s)/ private respondent(s) before trial Court for their statements.
Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on 08.11.2024, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court	
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FIR No.	Dated	Police Station	Sections
194	10.09.2023	Tibba, District Ludhiana	420, 506, 120-B IPC

Criminal Case no. before trial Court	
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1.	Names of the complainant/ victims(s)/aggrieved persons(s)	
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes/No
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No



10.	Has the police report been filed or not?	Yes/No
11.	Notice of accusation /Charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	
13.	Whether the court is satisfied with the genuineness of the compromise	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.
List on 19.11.2024.”

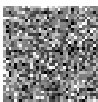
3. Pursuant to the aforesaid order, report dated 14.11.2024 from Judicial Magistrate, Ist Class, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

Name of the reporting Court	Court of Ms. Shilpa Singh, Judicial Magistrate 1 st Class, Ludhiana
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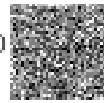
FIR No.	Dated	Police Station	Sections
194	10.09.2023	Tibba, District Ludhiana	420, 506, 120-B IPC

Criminal Case no. before trial Court	Challan in the present FIR is yet to be presented by the Investigating Agency.
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1.	Names of the complainant/ victims(s)/aggrieved persons(s)	Jaspreet Singh
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	11.11.2024
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes. The complainant has been identified by his counsel Sh.



		<i>Rajneesh Kumar, Advocate and By ASI Gurdial Singh in the Court</i>
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	Yes
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	No
6.	<i>Names of the accused person(s)</i>	<i>Rohit Malhotra @ Rohit Kumar, Pardeep Kumar, Teena Malhotra and Rishipal Bhura out of whom only Rohit Malhotra @ Rohit Kumar has appeared before this Court.</i>
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	<i>Statement of accused Rohit Malhotra @ Rohit Kumar Recorded on 11.11.2024</i>
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	<i>Only accused Rohit Malhotra @Rohit Kumar has compromised the matter with the complainant.</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>As per the statement of IO no proclamation proceedings are pending against accused.</i>
10.	<i>Has the police report been filed or not?</i>	No
11.	<i>Notice of accusation /Charges have been framed or not?</i>	No
12.	<i>Sections of statutes invoked in the matter</i>	<i>420, 506, 120-B of IPC</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise</i>	Yes



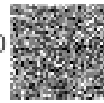
4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

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.*



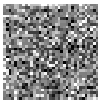
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court 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.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

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 528 of BNSS, 2023 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.194 dated 10.09.2023 under Sections 420, 506, 120-B of IPC, registered at Police



Station Tibba, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 21.06.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

January 15, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No