



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
226
CRM-M-52674-2024
Date of decision: 08.08.2025

GURDIP SINGH AND ORS.
V/s
STATE OF PUNJAB AND ORS.
...PETITIONERS
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present: Mr. Dinesh Mahajan, Advocate for the petitioners.
Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab.
Mr. Abhishek, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.15 dated 09.03.2022 under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Mehta, Amritsar Rural, District Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 23.02.2023 (Annexure P-2), which is stated to have been effected between the parties.
2. On 22.10.2024, the following order was passed:

“By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 23.02.2023 (Annexure P-2) executed between the parties. Details of the FIR are as follows:

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
15	09.03.2022	420, 465, 467, 468, 471, 120-B of IPC	Mehta, Amritsar Rural, District Amritsar



2. It is, inter alia, contended by learned counsel for the petitioners that the instant FIR has been got registered at the instance of respondent No.2 against the petitioners and one Sukhwinder Singh. He submits that the matter is still under investigation and during the course of which, the complainant has given statement seeking no action against the said Sukhwinder Singh in her statement dated 29.10.2023 (Annexure P-5) leaving the petitioners as the only accused. He submits that with the intervention of respectables, compromise has been effected between the parties on 23.02.2023, copy of which is annexed as Annexure P-2, on the basis whereof quashing of FIR has been sought.

3. Notice of motion.

4. On the asking of the Court, Mr. Ankit Grewal, DAG Punjab accepts notice on behalf of the State and on instructions from SI Balwinder Singh has admitted the factum that the petitioners are the only accused left in the FIR. He has also admitted that the statement (Annexure P-5) has been voluntarily recorded by the complainant on 29.10.2023.

5. Mr. Rimple Saini, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed his power of attorney. He admits the factum of compromise effected between the parties voluntarily and without any pressure.

6. Accordingly, the private parties are directed to appear before the concerned trial Court/Illaq Magistrate/Judge on duty on 04.11.2024 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement, subject to cost of Rs.5,000/- to be deposited by the petitioners with the Poor Patients Welfare Fund, PGIMER, Chandigarh before the date fixed. Receipt thereof be produced before learned trial Court before getting their statements recorded.

7. Trial Court/Illaq Magistrate/ Judge on duty is directed to submit its report specifically para wise on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.
6. The trial Court is also directed to report whether the cost, if any, so imposed by this Court has been deposited or not?
8. To await report of the trial Court, adjourned to 18.11.2024.
9. The concerned learned Sessions Judge is directed to communicate the aforesaid report of the concerned trial Court



to this Court through e-mail on or before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 04.08.2025 from Sub-Divisional Judicial Magistrate, Baba Bakala Sahib has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I) There are four accused namely Gurdip Singh, Swaran Singh, Surjit Singh and Gulzar Singh Patwari arrayed as accused in this case.

ii) None of the accused have been declared as proclaimed offender/ person in the present case.

iii) After considering statements of parties, the undersigned is of the considered opinion that compromise has been effected between the parties out of their free will and volition.

iv) The accused persons are not involved in any other case.

v) There are two victims namely Harpreet Kaur and Paramjit Kaur in this case, out of them Harpreet Kaur is complainant in this case.

vi) The cost imposed by the Hon’ble High Court has been depoisted in PGIMER Poor Patient Welfare Fund, Chandigarh.”

4. Learned counsel for respondent Nos.2 and 3 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.15 dated 09.03.2022 under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Mehta, Amritsar Rural, District Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 23.02.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

08.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No