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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52719-2024

Date of Decision: 06.03.2025

AMANDEEP SINGH ALIAS AMANA AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Lovish Arora, Advocate
for the petitioners.

Mr. Satjot Singh Chahal, AAG, Punjab.

Mr. Saksham Khunger, Advocate
for respondent no. 2.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) seeking quashing of FIR no. 213, dated 23.09.2022, under Sections 379-B, 323 IPC (Section 201 of IPC added later on) registered at Police Station Baghapurana, District Moga, Annexure P-1, and all subsequent proceedings arising therefrom in view of the compromise, dated 23.11.2023, Annexure P-2, entered into between the petitioners and the complainant to

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settle their disputes in question.

2. Learned counsel for the petitioners contends that the petitioners and the complainant have settled their disputes by way of compromise dated 23.11.2023, Annexure P-2.

3. As the parties entered a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 23.01.2025. Pursuant thereto, a report, dated 01.03.2025, has been received from the Additional District & Sessions Judge, Moga, at Flag 'B', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence and they have not been declared proclaimed person(s). As per the report of Investigating Officer, there is no case pending against petitioner no. 2, however, eleven cases were registered against petitioner no. 1, out of which eight cases have been decided and three are pending.

4. Learned State counsel and learned counsel appearing on behalf of respondent No.2 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

5. It has been held by the Supreme Court of India in cases *Gian Singh v. State of Punjab and another*, 2012(10) SCC 303 and *State of Madhya Pradesh v. Laxmi Narayan and others*, (2019) 5 SCC 688, that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes



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among themselves in a *bona fide* manner by entering into a compromise. On similar lines is another judgment of the Supreme Court in *Shiji alias Pappu and others v. Radhika and another*, 2012 (1) SCC (Criminal) 101, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

6. Further, reference can also be made to Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another*, 2007(3) R.C.R.(Criminal) 1052, holding that on the parties settling their disputes by way of a compromise, the High Court in exercise of power under Section 482 Cr.P.C. can allow the compounding of non-compoundable offences also, and quash the criminal proceedings to prevent abuse of the process of law or otherwise to secure the ends of justice. The power is not confined to matrimonial disputes alone.

7. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case, which is predominantly of private nature, falls in the category of cases that can be quashed by the High Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C., as per law laid down in the aforementioned judgments. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot be termed as crime against the society; nor do they show mental depravity of the petitioners. Since disputes between the parties have been amicably resolved by way of the compromise, continuation of criminal proceedings will be an exercise in futility as chances of ultimate conviction

are not there, and it will hamper their peaceful coexistence even after resolution of disputes.

8. Consequently, this petition is allowed. FIR no. 213, dated 23.09.2022, under Sections 379-B, 323 IPC (Section 201 of IPC added later on) registered at Police Station Baghapurana, District Moga, Annexure P-1, and all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioners.

06.03.2025
Seema

(TRIBHUVAN DAHIYA)
JUDGE

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