

CRM-M-53587-2024

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123/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53587-2024 (O&M)

Date of decision: 04.04.2025

Balraj Singh and another

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Arshdeep Kaur, Advocate, for the petitioners.

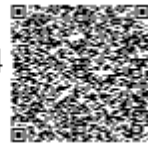
Ms. Manjot Kaur, AAG, Punjab.

Mr. Sukhjit Singh, Advocate,
for respondent No.2.**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) praying for quashing of complaint bearing No. COMI-22 of 2019 dated 04.06.2019 titled as "***Amandeep Singh Versus Prabhpreet Singh and others***" registered under Sections 341, 323, 324, 294 and 506 of the Indian Penal Code, 1860, registered at Police Station Sadar Raikot, District Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 04.10.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners wrongfully confined complainant; inflicted serious injuries on the person of *de facto* complainant- Amandeep Singh and also criminally intimidated him with dire consequences.

3. Contends that matter has been amicably settled between the



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parties, i.e. petitioners as well as respondent No.2; hence complaint 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 complaint along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. A Co-ordinate Bench, while issuing notice of motion on 29.10.2024, passed the following order:-

“The Prayer in this petition under Section 528 BNSS 2023 is for the quashing of the Complaint COMI-22 of 2019 dated 4.6.2019 titled as Amandeep Singh Vs. Prabhpreet Singh & Ors. Under Section 341, 323, 324, 294, 506 IPC registered at P.S. Sadar Raikot, District Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise dated 04.10.2024 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 14.11.2024.

Ms. Manjot Kaur, Assistant Advocate General, Punjab accepts notice on behalf of respondent no.1-State of Punjab.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 05.11.2024 with regard to the compromise by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a 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 FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the*



Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

The petitioners shall deposit a cost of Rs.25,000/- with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.

To be heard with CRM-M-53592-2024.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 03.01.2025 has been received from learned Judicial Magistrate First Class, Jagraon. For reference, the operative part of report reads as under:-

1.	<i>Number of persons arrayed as accused in the FIR</i>	<i>There are four accused in the present complaint namely Balraj Singh, Jaswinder Singh, Prabhpreet Singh and Parminder Singh @ Mindi. During the pendency accused Prabhpreet Singh and Parminder Singh @ Mindi has been died and proceeding against them stands abated vide order dated 20.02.2024.</i>
2.	<i>Whether any accused is a proclaimed offender</i>	<i>None of the accused has been declared as proclaimed offender.</i>
3.	<i>Whether the compromise is genuine,voluntarily and without any coercion or undue influence.</i>	<i>From the statements of the parties it transpires that the said compromise is genuine voluntary and out of free will of the parties.</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.

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 affect public peace or



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tranquility. Thus, quashing of the complaint 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 complaint along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

04.04.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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