

**CRM-M-55113-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.124****Case No. : CRM-M-55113-2024****Decided On : February 05, 2025**

Jagtar Singh

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

* * *

Present : Mr. Pushp Jain, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Aarjav Jain, Advocate
for respondent no.2.

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MAHABIR SINGH SINDHU, J. :

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short, 'BNSS'), praying for quashing of FIR No.58 dated 07.05.2023 (Annexure P-1), under Sections 279, 337, 338, 427 of Indian Penal Code, 1860, registered at Police Station Sardulgarh, District Mansa, along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.10.2024 (Annexure P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that the petitioner hit respondent no.2 in an accident by driving the vehicle in a rash and negligent manner, due to which he received injuries.

3. 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 subsequent proceedings deserve to be quashed.

4. Learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with subsequent proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

5. Still further, learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

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

7. A Co-ordinate Bench, while issuing notice of motion on 07.11.2024, passed the following order :-

“This petition has been filed for quashing of FIR No.58 dated 07.05.2023 under Sections 279, 337, 338, 427 IPC registered at Police Station Sardulgarh, District Mansa along with all consequential proceedings arising therefrom, on the basis of compromise dated 23.10.2024 (Annexure P2) arrived at between the parties.

Notice of motion.

Mr. Vinay Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Shiv Kumar, Advocate, accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 12.11.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be



forwarded to this Court specifying the following :-

1. *The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case;*
2. *The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
3. *The stage of the trial/proceedings pending;*
4. *If, the compromise is genuine, voluntary and out of free will of the parties;*
5. *Whether any other criminal case pending against the accused.*

Report of the trial Court/Illaq/Duty Magistrate be awaited for 29.01.2025.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 10.12.2024 has been received from learned Sub Divisional Judicial Magistrate, Sardulgarh. For reference, the operative part of report reads as under :-

“On 02.12.2024, complainant Harmeet Singh son of Harbhajan Singh, resident of village and Post Office, Sangha, Ward No.10, District Mansa has suffered statement that case bearing FIR No.38 of 07.05.2023 for an offence punishable under sections 279,337,338,427 IPC at Police Station Sardulgarh, District Mansa, has been registered on the basis of his complaint against Jagtar Singh son of Jasvir Singh, resident of Rangian Dehlon, District Ludhiana. Now the compromise has been effected between him and the accused person voluntarily without any pressure, coercion and out of their free will, as per compromise deed dated 23.10.2024. The original Compromise deed dated 23.10.2024 (Annexure-P2) has been produced in the Hon'ble High Court in CRM-M-55113-2024. He



has no objection for quashing of the proceedings of the present case bearing FIR No.58 of 07.05.2023 for an offence punishable under sections 279,337,338,427 IPC at Police Station Sardulgarh, District Mansa, arising therefrom on the basis of compromise deed dated 23.10.2024. There is no other accused in the said FIR except the above-said accused. He produced self attested copy of his aadhar card as Ex.PA.

Accused/petitioner namely Jagtar Singh son of Jasvir Singh, resident of Rangian Dehlon, District Ludhiana, appeared and suffered statement that case bearing FIR No.58 of 07.05.2023 for an offence punishable under sections 279,337,338,427 IPC at Police Station Sardulgarh, District Mansa, has been registered against him on the basis of complaint of Harmeet Singh son of Harbhajan Singh, resident of village and Post Office Sangha, Ward No.10, District Mansa. Now the compromise has been effected between them voluntarily without any pressure, coercion and out of their free will as per compromise deed dated 23.10.2024. The original Compromise deed dated 23.10.2024 (annexure-P2) has been produced in the Hon'ble High Court in CRM-M-55113-2024. He requested that in view of the compromise with the complainant party the present case bearing FIR No.8 of 07.05.2023 for an offence punishable under sections 279,337,338,427 IPC at Police Station Sardulgarh, District Mansa, arising therefrom on the basis of compromise deed dated 23.10.2024 be quashed. He is not involved in any other criminal case nor declared as proclaimed offender in any criminal case. He produced self attested copy of his aadhar cards as Ex.PB.

Further ASI Avtar Singh, No.794/MNS, now



posted at Police Station Sardulgarh, has suffered statement that he is the I.O. of case bearing FIR No.58 dated 07.05.2023 u/s 279/337/338/427 IPC registered at Police Station Sardulgarh registered on the complaint of Harmeet Singh son of Harbhajan Singh, resident of village Sangha, Tehsil Sardulgarh District Mansa against accused person namely Jagtar Singh son of Jasvir Singh, resident of Rangian Dehlon, District Ludhiana. There is only one accused namely Jagtar Singh and except him, no other person is involved in this case as accused. Accused is not absconding/proclaimed person in the present case and no other criminal case is pending against him. He further stated that now the case is at the stage of recording prosecution evidence.

So, after going through the above statement of complainant namely Harmeet Singh son of Harbhajan Singh, resident of village and Post Office, Sangha and accused/petitioner namely Jagtar Singh son of Jasvir Singh, resident of Rangian Dehlon, District Ludhiana, this Court is satisfied that compromise dated 23.10.2024 (already attached with the petition as Annexure P-2), effected between the parties Le. complainant and accused/petitioner, is genuine, voluntary, without any coercion or undue influence. Further, there is no other person arraigned as accused in the FIR except the above-mentioned accused and both complainant and accused have appeared and made statement in support of the compromise before the Court. Accused is not absconding/proclaimed offender in this case and he is also not involved in any other criminal case. Now the trial of the case is at the stage of recording evidence of prosecution witnesses. Hence, report is hereby sent to



your honour, accordingly.”

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 victims 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 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.

11. Consequently, present petition is allowed; aforesaid FIR along with all subsequent proceedings resulting therefrom are quashed qua the petitioners.

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

February 05, 2025

monika

(MAHABIR SINGH SINDHU)
JUDGE

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