



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56162-2024 (O&M)
Date of decision: 13.01.2025

Sanjeev Bhalla @ Bhalla

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vijay Kumar, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab for respondent No.1.

Mr. Yashpal, Advocate for
Mr. Vishal Munjal, Advocate respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of cross-version i.e. G.D. No.37 dated 31.10.2017 (P-1), under Section 323 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Bullowal, District Hoshiarpur arising out of FIR No.143 dated 31.10.2017, under Sections 324, 451, 506 read with



Section 34 IPC, Police Station Bullowal, District Hoshiarpur along with all consequential proceedings arising therefrom *qua* the petitioner on the basis of compromise dated 24.10.2024 (P-8).

(2) Above FIR was registered by respondent No.2-Arshdeep Saini with the allegations that petitioner along with other co-accused gave *Kirpan* blows and beatings with brick to him and his father-Baljinder Singh.

(3) The Coordinate Bench, while issuing notice of motion on 12.11.2024, passed the following order:-

“CRM-44596-2024

Allowed as prayed for.

Main case

Mr. Vishal Munjal, Advocate has put in appearance and has filed Memorandum of Appearance on behalf of respondent No.2 in Court today which is taken on record.

The petitioner(s) arraigned as accused in the FIR captioned below, have come up before this Court under Section 528 BNSS 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. The counsel appearing for the private respondent(s) on instructions states that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as

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respondents, to appear before the concerned Trial Court/Illaqa Magistrate/Duty Magistrate on 26.11.2024, 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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GD No.	Dated	Police Station	Sections
37	31.10.2017	Bullowal, District Hoshiarpur	323, 34 IPC

Arising out of

FIR No.	Dated	Police Station	Sections
143	31.10.2017	Bullowal, District Hoshiarpur	324, 451, 506, 34 IPC

1.	Names of the complainant/victim(s)/aggrieved persons(s)	
2.	Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded	
3.	Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?	Yes/No
4.	Whether all the victim(s)/all the aggrieved persons have compromised the matter?	Yes/No

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5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	<i>Yes/No</i>
6.	<i>Name of the accused person(s)</i>	
7.	<i>Dates on which the statement(s) of the accused person(s) recorded</i>	
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised</i>	<i>Yes/No</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>Yes/No</i>
10.	<i>Has the police report been filed or not?</i>	<i>Yes/No</i>
11.	<i>Notice of accusation/charges have been framed or not?</i>	<i>Yes/No</i>
12.	<i>Sections of statutes invoked in the matter</i>	
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	<i>Yes/No</i>

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 10.12.2024.”



(4) In terms of aforesaid order, statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Hoshiarpur and submitted a report dated 10.12.2024. The operative part of the same reads as under:-

1.	<i>Names of the complainant/victim(s)/aggrieved persons(s)</i>	<i>Arshdeep Saini</i>
2.	<i>Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded</i>	<i>26.11.2024</i>
3.	<i>Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?</i>	<i>Yes</i>
4.	<i>Whether all the victim(s)/all the aggrieved persons have compromised the matter?</i>	<i>Yes</i>
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	<i>No</i>
6.	<i>Name of the accused person(s)</i>	<i>Sanjeev Bhalla @ Bhalla</i>
7.	<i>Dates on which the statement(s) of the accused person(s) recorded</i>	<i>26.11.2024</i>
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised</i>	<i>Challan against accused namely Sandeep Kumar son of Ravinder Pal, Balwinder Singh @ Binder Pal son of Nirmal Singh, Gurjit Singh son of Upinderjit Singh and Sanjeev Bhalla @ Bhalla son of</i>

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		<i>Dharamvir Bhalla was presented and except present petitioner remaining accused were acquitted by the court of Sh. Keshav Agnihotri, the then Ld. JMIC Hoshiarpur on 18.11.2023.</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>No</i>
10.	<i>Has the police report been filed or not?</i>	<i>Yes</i>
11.	<i>Notice of accusation/charges have been framed or not?</i>	<i>Yes</i>
12.	<i>Sections of statutes invoked in the matter</i>	<i>GD No.37 dated 31.10.2017, U/S 323, 34 of IPC, FIR No.143 dated 31.10.2017, U/S 324, 451, 506, 34 of IPC</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	<i>Yes</i>

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioner as well as respondent No.2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.



(6) Learned State Counsel, on instructions from the police official concerned, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent No.2 has acknowledged the compromise effected between the parties i.e. petitioner as well as respondent No.2.

(8) Hon'ble the Supreme Court in '**Gian Singh Versus 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.”

- (9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of FIR in question along with consequential proceedings on



the basis of compromise would bring peace and harmony to secure the ends of justice.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

13th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No