

2025:PHHC:026120



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

(123/1)

CRM-M-55323-2024

Date of decision : 21.02.2025

Jaswinder Singh & others

... Petitioner(s)

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Akamjit Singh Ahluwalia Advocate, for the petitioner(s).

Mr.Kunwarbir Singh, AAG, Punjab.

Mr.Arshpreet Singh Khadial, Advocate, for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') praying for quashing of the DDR No.031 dated 05.05.2024 under Sections 323, 324 read with Section 34 of Indian Penal Code, 1860 (for short, 'IPC'), registered at Police Station Jaitu, District Faridkot, as a cross case in FIR No.0071 dated 05.05.2024(P-1), under Sections 452, 323, 341, 506, 148 read with Section 149 of IPC, registered at Police Station Jaitu, District Faridkot, along with all consequential proceedings arising therefrom on the basis of Panchayati compromise dated 14/15.05.2024 (P-3), entered into between the parties i.e. petitioner(s) as well as respondent No.2.

2. Allegations are that the petitioner(s) in connivance with each other armed with dandas, sticks, baseball etc. had caused injuries to respondent No.2.

3. A Co-ordinate Bench, while issuing notice of motion on 12.11.2024, passed the following order:-

“Prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing of cross case registered vide DDR No.031, dated 05.05.2024, under Sections 323, 324, 34 of IPC, Police Station Jaito District Faridkot (Annexure P-2) in FIR No.0071, dated 05.05.2024, under Sections 452, 323, 341, 506, 148, 149 of IPC, registered at Police Station Jaito, District Faridkot (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 14/15.05.2024 (Annexure P-3) arrived at between the parties.

Notice of motion.

At the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Appearance has also been caused by Mr. Arshpreet Singh Khadial, Advocate on behalf of respondent No.2 and has filed his vakalatnama in Court today, which is taken on record. He affirms the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaq Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to trial Court/Illaq Magistrate but not later than six days thereof, however, that would be subject to payment of costs of Rs.7,500/- to be deposited by the petitioners with the concerned District Legal Services Authority. A receipt thereof shall be produced before the concerned Magistrate before recording the statements.

The trial Court is directed to report on the following points:-

(i) how many total accused are facing the trial;

(ii) whether challan is presented in the Court? If so, against how many accused;

(iii) whether any of the accused was declared proclaimed offender at any stage of trial;

(iv) status/stage of the trial/case;

(v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 03.02.2025.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 18.12.2024 of learned Sub-Divisional Judicial Magistrate, Jaitu has been submitted in this regard. The operative part of the same reads as under:-

“In view of statements of parties as well as statement of IO, para-wise report is submitted as follows:

i) There are total three accused namely Jaswinder Singh, Sukhinder Singh @ Gora and Sukhbir Singh involved in the present case.

ii) Challan has not been presented against the accused in the Court.

iii) None of the accused is declared as proclaimed offender.

iv) Challan in the present case has not been presented and only FIR is pending and case is at investigation stage.

v) The compromise effected between the parties is genuine/correct being result of their free will, without fraud or misrepresentation and without any pressure or coercion or undue influence.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, 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. 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.”

8. 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 the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

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

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

21.02.2025
sailesh

(MAHABIR SINGH SINDHU)
JUDGE

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