



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

**CRM-M-56091-2024 (O&M)
Date of decision : 15.01.2025**

Manpreet Singh @ Monu and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Simble, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Pratula Sethi, Advocate,
for Mr. Rajveer Singh Brar, 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 'B.N.S.S.'*), praying for quashing of FIR No.85 dated 29.08.2022, under Sections 342, 323 read with Section 34 of the Indian Penal Code, 1860 (*for short, 'the IPC'*) and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [final report presented under Sections 323 & 342 read with Section 34 IPC], registered at Police Station, Sekhwan, Police District Batala, District Gurdaspur, along with all consequential proceedings arising therefrom on the basis of compromise dated 09.10.2024



(P-2), entered into between the parties i.e. **petitioners** as well as respondent No.2.

2. Allegations are that the petitioners caused injuries to the *de facto* complainant-Gian Kaur and made derogatory utterances in the name of her caste.

3. At the outset, learned counsel for the petitioners contends that after investigation, final report was presented only under Sections 323 & 342 read with Section 34 IPC and now the matter has been compromised between the parties, i.e. the petitioners as well as the *de facto* complainant/respondent No.2.

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

“Mr. Rajveer Singh Brar, Advocate has put in appearance and has filed Vakalatnama 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 respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on 25.11.2024, 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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85	29.08.2022	Sekhwan, Police District Batala, District Gurdaspur	342, 323, 34 IPC, 1860 and 3(1)(r) of SC and ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) challan presented u/s 342/323/34 IPC

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

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 and a report dated 27.11.2024 has been submitted in this regard by

2025.PHHC.005022



learned Judicial Magistrate First Class, Batala. The operative part of the same reads as under:-

“It is humbly submitted that accused/petitioners namely (1) Manpreet Singh @ Monu S/o Bakhshish Singh (Aadhar Card No.4316 7761 6483) (2) Gurmit Singh @ Gurmeet Singh @ Sonu S/o Bakhshish Singh (Aadhar Card No.2686 3093 5318) and (3) Bakhshish Singh S/o Mangal (Aadhar Card No.2077 3731 8828), all residents of Village Rasulpur, PO Panjgaraian, Tehsil Batala District Gurdaspur and respondent No.2/complainant/Injured/Victim namely Gian Kaur, W/o Anant Singh R/o H. No.71, Rasulpur, PO Panjgaraian, District Gurdaspur (Aadhar Card No.2137 1112 0534) have appeared in the Court of undersigned being Trial Court/Illaqa Magistrate on 25.11.2024 and suffered statements that the matter has been compromised between the parties.”

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 petitioners.

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

15.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*
Whether reportable : *Yes / No*