



CRM-M No. 56076-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M No. 56076-2024 (O&M)
Date of Decision: 16.01.2025

Harkamal Singh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Amit Choudhary, Advocate for applicant/petitioners.

MAHABIR SINGH SINDHU, J.**CRM-468-2025**

Second Application filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') to prepone the date of
hearing in the main case which is pending for 27.05.2025.

2. Notice of application to the non-applicant/respondents.

3. At this stage, Mr. Kiran Pal Singh, learned AAG, Haryana
accepts notice on behalf of respondent No. 1 and Mr. Amit Sahni, Advocate
& Mr. Santosh Kumar Yadav, Advocate for Mr. P.S.Jammu, Advocate accept
notice on behalf of respondent No. 2 and all of them raises no objection in
case the application is allowed.

4. In view of the above and for the reasons stated in the
application, same is allowed as prayed for subject to all just exceptions.

5. Consequently, the main case, which is fixed for 27.05.2025,
stands preponed and taken up on Board today itself.



CRM-M No. 56076-2024 2

Main case

Present petition filed under Section 528 of BNSS for quashing of FIR No.14 dated 20.01.2024 (P-1) registered under Sections 323, 452, 506 read with Section 34 of Indian Penal Code, 1860, (for short 'IPC'), at Police Station Bhuna, District Fatehabad alongwith all subsequent proceedings arising therefrom on basis of compromise dated 06.11.2024 (P-2) arrived at between the parties i.e. petitioners and respondent No. 2.

2. Allegations are that petitioners in furtherance of their common intention trespassed into the house of injured/victim-Jaspal Singh and caused injuries to him.

3. The Coordinate Bench, on 29.11.2024, passed the following order:-

“This application has been filed seeking preponement of the main case.

At this stage, Mr. P.S.Jammu, Advocate has put in appearance on behalf of respondent No.2 and has filed memo of appearance. The same is taken on record. Learned counsel for respondent No.2 while admitting the factum of compromise has requested for an adjournment to file power of attorney.

Since petitioners seek quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise, it is deemed appropriate that statements of the parties be recorded qua the factum of compromise.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

(i) Whether there is any other accused other than the



CRM-M No. 56076-2024 3

petitioner, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date i.e. 18.12.2024.

The applicant stands disposed off accordingly.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 13.12.2024 has been received in this regard from learned Judicial Magistrate First Class, Fatehabad. The operative part of the same reads as under:-

“ In view of the statements of accused persons, Harkamal Singh and statement of the complainant, it appears that the parties have compromised the matter in dispute voluntarily, without any pressure, coercion, undue influence and the compromise is genuine. Complainant does not have any objection for quashing of the instant FIR.”

5. A perusal of the aforesaid report clearly reveals that matter has been compromised by both the parties i.e. petitioners and respondent No.2 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 counsel for the petitioners contends that matter has been amicably settled between the parties i.e. petitioners as well as respondent No. 2.

7. Learned State Counsel, after obtaining instructions has raised no objection to the prayer made by petitioners and acknowledged the factum

of compromise.



CRM-M No. 56076-2024 4

8. Learned counsel for respondent No. 2 has also acknowledged the compromise effected between the parties i.e. petitioners and respondent No. 2.

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, this Court is fully convinced that the offences are entirely personal in nature and do not affect any 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.

11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners shall bear costs of Rs. 45,000/- (i.e Rs. 15,000/- each). Costs be deposited in Account No. 30078805796 IFSC: SBIN0001524 (State Bank of India, PGIMER, Chandigarh Branch) maintained in the name of Director, PGI, Poor Patients Welfare Fund within a period of six weeks from today.

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

16.01.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No