



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

310

**CRM-M-57045-2024
Decided on :21.01.2025**

Vinay Kumar Sharma @ Raju and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Prikshit, Advocate for
Mr. Umesh Aggarwal, Advocate for the petitioners.

Mr. JasdeepSingh, DAG, Punjab.

Ms. Nandini Sodhi, Advocate for
Mr. Prateek Sodhi, Advocate for respondents No.2 and 3.

SAN



CRM-M-57045-2024

- 2 -

Magistrate, Amritsar, and as per report dated 20.01.2025, submitted to this Court, both the parties have got recorded their respective statements in Court. The operative part of the report received from learned Court below is as under:-

“1. Number of persons arrayed as accused in the FIR:- As per the statement of Investigating Officer, FIR no. 109 dated 26.08.2024, Under Section 115(2), 118(1), 351(2), 191(3), 190 of BNS 2023, Police Station E Division, Amritsar has been registered on the statement of Complainant Harish Kumar son of Manohar Lal, resident of H.No., 3653/9, Gali no.1, Bhagtanwala, Amritsar against the accused persons Vinay Kumar Sharma alias Raju, Surinder Kumar, Rohit Khindri, Sourabh Khindri, Ravinder Kumar Sharma alias Ravinder Sharma alias Shantu Sharma, Vipin Sharma alias Hanuman. The above named accused have never been declared proclaimed offenders in the present case. No other case or FIR has been registered against accused persons. Apart from the present accused persons; no other accused is involved in the present case and there is only one complainant namely Harish Kumar son of Manohar Lal and one injured/victim Kartik Madaan son of Harish Kumar and apart from them, there is no other aggrieved/injured in the present case.

2. Whether any accused is proclaimed offenders:- As per the statement of Investigating Officer, the above said accused have never been declared as proclaimed offenders in the present case.



CRM-M-57045-2024

- 3 -

resolved and private parties have effected a compromise dated 11.10.2024 (Annexure P-2). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law.

5. Learned State counsel as also learned counsel for respondents No.2 and 3, after going through the statements and the report received from learned Court below, very fairly admit that the private parties have resolved their dispute and effected a compromise and that they have no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

6. The Full Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, has observed as under:

“(28) *To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".*

(29) *In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others**, Hon'ble Krishna*



CRM-M-57045-2024

- 4 -

compassion to achieve the ends of justice.

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power*



CRM-M-57045-2024

- 5 -

Singh v. State of Punjab and another, (2012) 10 SCC 303. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641.

8. Further, the Hon'ble Supreme Court has held in Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834, that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of the Hon'ble Supreme Court is extracted as under:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

**CRM-M-57045-2024****- 6 -**

the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

10. The report alongwith statements of the affected parties received from learned Court below would reveal that the aggrieved person has genuinely effected a compromise with the petitioners and they have no objection if the impugned FIR and consequential proceedings are quashed.

11. Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)**, **Ramgopal (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 109, dated 26.08.2024 , for the offences punishable under Sections 115(2), 118(1), 351(2), 191(3), 190 of BNS, 2023, registered at Police Station 'E' Division, Amritsar, and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners, in view of compromise dated 11.10.2024 (Annexure P-2).

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 21,