



130

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

**CRM-M-57544-2024 (O&M)
Date of decision : 21.01.2025**

Amandeep Singh and another

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Surinder Singh Chahal, Advocate,
for the petitioners.

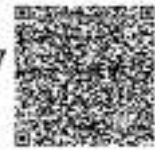
Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Simranjit Singh, Advocate,
for Mr. Inderjeet Singh Brar, Advocate,
for the respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) praying for quashing of FIR No.97 dated 07.08.2023 (P-1), under Sections 353, 186, 332 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station, Anandpur Sahib, District Rupnagar, along with all consequential proceedings arising therefrom on the basis of compromise dated 18.10.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

2. Allegations are that the petitioners in furtherance of their common intention, gave injuries to *de facto* complainant-Ashok Kumar, a



public servant, while he was performing duties as Bus Driver with the Himachal Road Transport Corporation.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent Nos.2 & 3 has also acknowledged the contention raised on behalf of the petitioners.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. A Co-ordinate Bench, while issuing notice of motion on 21.11.2024, passed the following order:-

“Petitioners Amandeep Singh and Parminder Singh have filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 97 dated 07.08.2023, under Section 353/186/332/34 of IPC, registered at Police Station Anandpur Sahib, District Rupnagar (Annexure P-1) and all consequential proceeding arising thereof, on the basis of compromise dated 18.10.2024 (Annexure P-2).

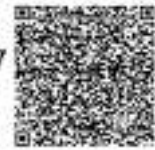
Notice of motion.

On the asking of this Court, Mr. Kewal Singh, Addl. AG, Punjab accepts notice on behalf of the State and prays for time to file status report. Learned counsel for the petitioners is directed to supply him a complete copy of the paperbook.

Mr. Inderjeet Singh Brar, Advocate appeared and filed Vakalatnama on behalf of respondents No. 2 and 3, which is taken on record.

Let statements of petitioners and respondents No. 2 and 3 be recorded with regard to compromise, on or before 05.12.2024 by learned Illaqa/Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, the Court will send copies of same to this Court before the next date of hearing along with its report i.e.,

2025.PHHC.008407



- 1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against him/them.*
- 2. Whether compromise entered between the parties is genuine, voluntary without any coercion or undue influence.*
- 3. Statement of IO regarding involvement of petitioner in any other FIR.*
- 4. Status of the trial pending before the Court.*

To await the report, list again on 09.01.2025.

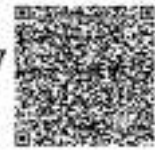
Status report be also filed by respondent – State by the adjourned date.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 05.12.2024 has been received from learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib. For reference, the operative part of report reads as under:-

“In view of the above statements, the point-wise report is submitted as under as desired by the Hon’ble High Court:-

- (i) There are two accused namely Amandeep Singh and Parminder Singh in the present FIR and none of the accused has been declared proclaimed offender in the present case and no such proceedings have been initiated or pending against them.*
- (ii) From the above statement of the complainant/informant and the accused, this court is of the view that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- (iii) As per statement of the Investigating Officer the petitioners/accused are not involved any other FIR/criminal case.*
- (iv) At present the case is pending for prosecution evidence”*

A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily



and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

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 discussion, 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.

11. 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.

21.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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