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

**CRM-M-58726-2024 (O&M)
Date of decision : 07.04.2025**

Sukhjit Singh @ Happy

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amritpal Singh Gill, Advocate for the petitioner.
Mr. Kunwarbir Singh, AAG, Punjab.
Ms. Srishti Singh, Advocate for
Mr. Dushyant Jog, Advocate for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') praying for quashing of FIR No.61 dated 02.06.2021 (P-1), under Sections 379, 411, 473 of Indian Penal Code, 1860 (for short IPC), registered at Police Station Daba, District Police Commissionerate, Ludhiana, along with all subsequent proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 28.10.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that petitioner stole the motorcycle bearing No.PB-10-DY-2710 of *de facto*-complainant-Mohit Sharma and put a fake number plate on it showing fake number as PB-10-A-3315 for selling the same.

3. Contends that matter has been amicably settled between the parties, i.e. petitioner as well as respondent No.2; hence FIR in question as well as subsequent proceedings deserve to be quashed.



4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioner.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with subsequent 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 25.11.2024, passed the following order:-

“ The petitioner(s) has filed petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 61 dated 02.06.2021, registered under Sections 379, 411 and 473 of IPC, at Police Station Daba, District Police Commissionerate, and all the subsequent proceedings arising there-from, qua the petitioners, in light of compromise effected between the parties (Annexure P-2).

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab, accepts notice on behalf of State.

Mr. Dushant Jog, Advocate, appeared on behalf of respondent No. 2 and filed his power of attorney. The same is taken on record.

Let the statements of petitioners and respondent No.2 be recorded with regard to the compromise on or before 12.12.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will sent copies of the same to this Court before the next date of hearing along with its report i.e.

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 them.

2. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

*4. Status of the trial pending before the Court.
To await report, list again on 22.01.2025.*

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

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 12.12.2024 has been received from learned Judicial Magistrate First Class, Ludhiana. For reference, the operative part of report reads as under:-

“
1. As per the statement of the investigating officer-ASI-Paramjit Singh, the number of accused in the present FIR are only one namely Sukhjit Singh @ Happy, who is petitioner in the present CRM-M and he is appearing before the Court and made statement with regard to the compromise. Further, as per the statement of the investigating officer, no proclaimed proceedings against accused Sukhjit Singh @ Happy were initiated/issued in the present case till date.
2. After perusing the statement of the complainant/respondent/ victim namely Mohit Sharma and of the accused Sukhjit Singh @ Happy, this Court is satisfied that the compromise arrived at between the parties i.e. complainant/respondent/victim Mohit Sharma and accused Sukhjit Singh @ Happy is genuine, voluntary and without any coercion or undue influence.
3. As per the statement of investigating officer ASI Paramjit Singh, accused Sukhjit Singh @ Happy is not involved in any other case/FIR.
4. The challan/report under Section 173 Cr.P.C. has already been presented before the Court and 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, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. 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 subsequent proceedings resulting therefrom are quashed *qua* the petitioner.

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

07.04.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>