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

**CRM-M-59361-2024 (O&M)
Date of decision : 05.03.2025**

Beeta Rani @ Reeta Devi and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Jyotika Behl, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Satbir Rathore, Advocate, for
Mr. Vinod Pundir, Advocate for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), praying for quashing of FIR No.95 dated 13.07.2021 (P-1), under Sections 323, 325, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Kiratpur Sahib, District Roopnagar, along with all consequential proceedings arising therefrom on the basis of compromise dated 03.08.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3.

2. Allegations are that the petitioners with sticks and stone gave beatings and caused injuries to complainant and his wife.

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 28.11.2024, passed the following order:-

“1. Through the instant petition, the petitioners seek quashing of FIR No.95 dated 13.07.2021 (Annexure P-1), registered under Sections 323, 325, 148, 149 of the IPC, at P.S. Kiratpur Sahib, District Rupnagar, along with all the consequent proceedings arising therefrom, on the basis of the Compromise Deed (Annexure P-2).

2. The learned counsel for the petitioners submits that, now the matter has been amicably settled between all the parties concerned, therefore, the relief (supra) be granted.

3. Notice of motion.

4. On asking of the Court, Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of the respondent No.1-State.

5. Mr. Vinod Pundir, Advocate, who records his appearance on behalf of the respondents No.2 and 3, under a validly executed Vakalatnama instituted before this Court today, accepts notice on behalf of the respondents concerned and admits the factum of compromise between the parties.

6. In the light of admission on behalf of the learned counsel for the respondents No.2 and 3, the parties are directed to, within a month from today, appear before the learned trial Court/Illaq Magistrate concerned to get their respective statements recorded regarding compromise and after recording their statements, the learned Trial Court/Illaq Magistrate concerned is directed to send the same along with its report regarding the genuineness of compromise, on or before the



date fixed in the instant petition, specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 5. Total number of victims and their names.*
- 7. It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaq Magistrate concerned to get their statements recorded regarding compromise.*
- 8. To come up on 23.01.2025 for awaiting the report.*
- 9. The learned State counsel is also directed to verify the factum of compromise by the date fixed.*
- 10. A copy of this order be sent to the learned trial Court/Illaq Magistrate concerned for compliance.”*

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 28.12.2024 has been received from learned Judicial Magistrate First Class, Sri Anandpur Sahib. For reference, the operative part of report reads as under:-

“5. It is further submitted that in view of above statements of the parties as well as of Investigating Officer, report as sought by Hon'ble Punjab & Haryana High Court is hereby submitted as follows:-

- 1. Total five persons are arrayed as accused in the FIR namely Reeta Rani @ Reeta Devi, Kirna Devi, Sunil Sethi, Gurmail Singh, Sandhya and Sunita Devi and challan has also been presented against all the said accused persons.*
- 2. None of the accused is proclaimed offender in this case nor any PO proceedings are pending against them.*
- 3. Challan has already been presented in the case and the same is pending for prosecution evidence.*



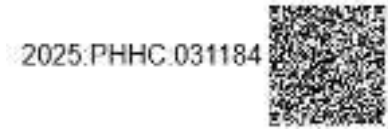
4. *The compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.*

5. *There are total two victims in this case i.e. complainant Surjit Singh and injured/witness Shakuntla Devi.”*

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.

05.03.2025
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(MAHABIR SINGH SINDHU)
JUDGE

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