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

**CRM-M-59608-2024 (O&M)
Date of decision : 06.02.2025**

Gurmeet Singh @ Binder and another

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Brar, Advocate,
for the petitioners.
Mr. Kunwarbir Singh, AAG, Punjab.
Mr. Gagandeep Singh, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for quashing of FIR No.72 dated 09.05.2024 (P-1), under Sections 325, 326, 506 read with Section 34 of Indian Penal Code, 1860, registered at Police Station Sadar Jagraon, District Ludhiana (Rural), along with all consequential proceedings arising therefrom on the basis of compromise dated 20.07.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners in furtherance of common intention attacked respondent No.2 with *toki/axe* and inflicted injuries on his person and criminally intimidated him with dire consequences.

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

4. Learned counsel for respondent No.2 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 04.12.2024, passed the following order:-

“ Prayer in this petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No. 72 dated 09.05.2024, under Sections 325, 326, 506 and 34 IPC registered at Police Station Sadar Jagraon, District Ludhiana (Rural) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.07.2024 (Annexure P-2).

2. Notice of motion.

3. Upon advance notice, Mr. Gurpartap Singh Bhullar, AAG, Punjab accepts notice on behalf of respondent No.1/State and Mr. Gagandeep Singh, Advocate has put in appearance on behalf of respondent No.2 and files his memorandum of appearance in Court, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

4. In view of the above, the parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 10.12.2024 or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. The stage of trial/proceedings;

4. If the compromise is genuine, voluntary and out of free will of the parties.

5. Whether any other criminal case is pending against the accused.



5. Report of the Area Magistrate/Trial Court be awaited for 29.01.2025.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 11.12.2024 has been received from learned Sub Divisional Judicial Magistrate, Jagraon. For reference, the operative part of report reads as under:-

“1. As per statements of the parties as well as investigating officer, there are two persons Gurmeet Singh @ Binder and Gurminder Singh @ Gulpinder Singh @ Happy Singh arrayed as accused in the present FIR. Both the accused appeared before the court and made their statement. Further, as per statement of investigating officer, no accused has been declared proclaimed offender.

2. As per statements of the parties as well investigating officer, there is only complainant/victim Parminder Singh in the present FIR. The complainant/victim Parminder Singh appeared before the court and made his statement in support of compromise.

3. As per statement of investigating officer, the stage of trial proceedings is challan is not present in this FIR yet.

4. As per statement of the parties, the compromise effected between them is genuine, voluntary and without any coercion or undue influence.

5. As per statement of investigating officer, except the present FIR no criminal case is pending against the accused.”

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.

06.02.2025
Harish Kumar/Rajeev

(MAHABIR SINGH SINDHU)
JUDGE

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