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

CRM-M-59631-2024 (O&M)

Date of decision : 29.04.2025

Sukhpal Kumar @ Sukhpal Sharma

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nikhil Kumar Vashisht, Advocate for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Dushyant Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.49 dated 05.03.2019 (P-1), under Sections 279, 337, 427 and 506 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Dhuri, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 30.10.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that the petitioner while driving his Innova Car bearing registration No.PB10-CP-7006 in rash or negligent manner collided with the bicycle of *de facto* complainant – Balvir Singh from the front side; inflicted injuries on his person and also damaged his bicycle.

3. Status report by way of affidavit dated 25.01.2025 of Mandeep Singh, PPS, Superintendent of Police, Sub Division, Dhuri, District Sangrur



on behalf of respondent No.1, is taken on record. Copy thereof supplied to the opposite side. Registry to do the needful.

4. 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 consequential proceedings deserve to be quashed.

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

6. 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 i.e. petitioner well as respondent No.2.

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

8. The Co-ordinate Bench, while issuing notice of motion on 29.11.2024, passed the following order:-

“1. Through the instant petition, as instituted under Section 528 of the B.N.S.S., 2023, the petitioner seeks quashing of FIR No.49 dated 05.03.2019 (Annexure P-1), registered under Sections 279, 337, 427, 506 of the IPC, at P.S. Sadar Dhuri, District Sangrur, along with all the consequent proceedings arising therefrom, on the basis of the Compromise Deed dated 30.10.2024 (Annexure P-2).

2. Notice of motion.

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

4. Mr. Dushyant Singh, Advocate, who records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama instituted before this Court today,



accepts notice on behalf of the respondent concerned and admits the factum of compromise between the parties.

5. *In the light of admission on behalf of the learned counsel for the respondent No.2, 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.*
- 6. 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.*
- 7. To come up on 27.01.2025 for awaiting the report.*
- 8. The learned State counsel is also directed to verify the factum of compromise by the date fixed.*
- 9. A copy of this order be sent to the learned trial Court/Illaq Magistrate concerned for compliance.”*

9. In terms of aforesaid order, statements of both the parties were recorded and a report dated 09.01.2025 has been received from learned Judicial Magistrate First Class, Dhuri. For reference, the operative part of report reads as under:-



“(1) It is humbly submitted that there is only 01 accused namely Sukhpal Kumar @ Sukhpal Sharma involved in the above mentioned case.

(2) As per the statement of the Investigating Officer of the case, no proclamation proceedings have been initiated against the accused involved in the above mentioned FIR, nor the said accused has been declared a proclaimed offender/proclaimed person in this case or any other case.

(3) As per the statement of the Investigating Officer of the case, Challan in the said case has already been presented in the Court and the case is fixed for the evidence of the prosecution.

(4) From the statements of the complainant Balvir Singh and accused Sukhpal Kumar @ Sukhpal Sharma recorded before this Court, it appears that the compromise between them is genuine & voluntary, the same is not the result of any fraud and mis-representation and has been arrived at between the parties without any coercion, undue influence or pressure.

(5) As per the statement of the Investigating Officer recorded in the Court, there is one complainant/injured/aggrieved person in the case in hand, namely Balvir Singh.”

10. 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.”

11. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not involve 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.

12. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioner.

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

29.04.2025
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(MAHABIR SINGH SINDHU)
JUDGE

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