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

**CRM-M-60970-2024 (O&M)
Date of decision : 19.02.2025**

Aaryan

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Bishnoi, Advocate,
for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.
Mr. Rohit Joshi, Advocat for
Mr. Suresh Nain, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for quashing of FIR No.502 dated 30.10.2024 (P-1), under Sections 125(b), 281, 324 (4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNSS'), registered at Police Station Civil Lines, Sirsa, District Sirsa, along with all subsequent proceedings arising therefrom *qua* the petitioner on the basis of compromise dated 26.11.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that petitioner while driving car hit the scooty of complainant; causing injuries to him and damaging his scooty.

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 05.12.2024, passed the following order:-

“ This petition has been filed for quashing of Fir No. 502 dated 30.10.2024 under Sections 125(b), 281 & 324(4) of BNS, 2023 registered at Police Station Civil Line Sirsa, District Sirsa, Haryana, along with all consequential proceedings arising therefrom, on the basis of compromise date 26.11.2024 (Annexure P2) arrived at between the parties.

Notice of motion.

Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of respondent No.1-State and Mr. Suresh Nain, Advocate, accepts notice on behalf of respondent No. 2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 10.12.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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/proclaimed person, 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 the trial/proceedings pending;*
- 4. If, the compromise is genuine, voluntary and out of free will of the parties;*
- 5. Whether any other criminal case pending against the accused.*

Report of the trial Court/Ilqa/Duty Magistrate be awaited for 04.02.2025.”

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, Sirsa. For reference, the operative part of report reads as under:-

“ (i) There is one accused as per the FIR and he has appeared and given his statement. He is not proclaimed person.

(ii) The name of complainant is Sonu and he has appeared and made his statement in support of the compromise.

(iii) The accused person has not been proved before the court by the police.

(iv) Compromise is genuine, voluntary and out of free will of the parties.

(v) There is no other case 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 subsequent proceedings resulting therefrom are quashed *qua* the petitioner.

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

19.02.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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