



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-61809-2024

Date of decision: 17.02.2025

TEJINDER SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. N.K. Banka, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J.

Mr. Rohit Joshi, Advocate, has put in appearance on behalf of respondent No.2 and has filed his *vakalatnama* in Court today. The same be taken on record.

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.61 dated 11.08.2015 under Sections 420, 406, 120-B of IPC, registered at Police Station Bholath, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 26.11.2024 (Annexure P-4), which is stated to have been effected between the parties.

2 On 17.12.2024, the following order was passed:

“The petitioner, who was declared as proclaimed and as such, the prosecution did not continue against him whereas other two accused were acquitted by the trial Court and subsequently, the victim also compromised the matter with the petitioner and based on which, the petitioner has come up before this Court seeking quashing of FIR captioned below on the basis of compromise.

Vide compromise deed dated 26.11.2024, the petitioner has settled all his disputes with the victim. Since, the petitioner is proclaimed, as such, the moment his proclamation proceedings are quashed, he is permitted to get his statement recorded before the trial Court.

Notice served upon the official respondent(s) through State's counsel. In case the State wants to file its response, they must do so positively before the next date. Counsel for the petitioners undertakes to



inform private respondent(s) and will ensure presence of all victim(s)/ private respondent(s) before trial Court for their statements.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 31.01.2025, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court	
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FIR No.	Dated	Police Station	Sections
61	11.08.2015	Bholath, District Kapurthala	420, 406, 120-B IPC

Criminal Case no. before the trial Court	
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1.	Names of the complainant/ victims(s)/aggrieved persons(s)	
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes/No
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No



10.	<i>Has the police report been filed or not?</i>	<i>Yes/No</i>
11.	<i>Notice of accusation /Charges have been framed or not?</i>	<i>Yes/No</i>
12.	<i>Sections of statutes invoked in the matter</i>	
13.	<i>Whether the court is satisfied with the genuineness of the compromise</i>	<i>Yes/No</i>

*There would be no need for a certified copy of this order, and any Advocate for the Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.
List on 17.02.2025.”*

3. Pursuant to the aforesaid order, report dated 22.01.2025 from Judicial Magistrate, Ist Class, Bholath, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

1.	<i>Names of the complainant/ victims(s)/aggrieved persons(s)</i>	<i>Gurjit Singh</i>
2.	<i>Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded</i>	<i>20.01.2025</i>
3.	<i>Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?</i>	<i>Yes</i>
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	<i>Yes</i>
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	<i>No</i>
6.	<i>Names of the accused person(s)</i>	<i>Tejinder Singh</i>
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	<i>20.01.2025</i>
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have</i>	<i>No only accused Tejinder Singh has compromised the</i>



	<i>compromised.</i>	<i>matter. But accused Harjinder Singh and Tirath Sinth have already been acquitted, vide judgment dated 01.07.2022</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>No accused was declared proclaimed offender but the said order has been set aside by Hon’ble High Court in CRM-M-60297-2024 vide order dated 16.12.2024.</i>
10.	<i>Has the police report been filed or not?</i>	<i>Yes</i>
11.	<i>Notice of accusation /Charges have been framed or not?</i>	<i>Yes</i>
12.	<i>Sections of statutes invoked in the matter</i>	<i>420 and 120-B of IPC</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise</i>	<i>Yes</i>

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-4).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon’ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code of



the cases of *Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)*. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

- (a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*
- (f) *Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) *While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*



The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS, 2023 to quash the FIR as :-

- (i) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition*

9. Consequently, the petition is allowed. FIR No.61 dated 11.08.2015 under Sections 420, 406, 120-B of IPC, registered at Police Station Bholath, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 26.11.2024 (Annexure P-4), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

February 17, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No