



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

CRM-M-62357-2024 (O&M)
Date of decision : 11.02.2025

Satya Devi and others

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Chetan Kapoor, Advocate for the petitioners.

Ms. Manjot Kaur, AAG, Punjab for respondent No.1.

Mr. R.S.Dhillon, Advocate for respondent Nos.2 to 8.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*Cr.P.C.*) praying for quashing of FIR No.327 dated 07.10.2018 (P-1), under Sections 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station City Rajpura, District Patiala, along with all consequential proceedings arising therefrom

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on the basis of compromise dated 05.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 8.

(2) Allegations are that the petitioners in connivance with each other with an intention to grab the property in question forged the signatures of complainant(s) and also prepared a Compromise Deed without their knowledge.

(3) Contends that matter has been amicably settled between the parties i.e. petitioners as well as respondent Nos.2 to 8; hence FIR in question as well as consequential proceedings deserve to be quashed.

(4) Learned Counsel for respondent Nos.2 to 8 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 17.12.2024, passed the following order:-

“Prayer in this petition filed under Section 528 of BNSS, 2023 is for quashing of FIR No.327 dated 07.10.2018 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station City Rajpura, District Patiala (Annexure P-1) along with all the subsequent proceedings

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arising therefrom, on the basis of compromise dated 05.12.2024 (Annexure P-2).

Notice of motion.

Upon advance notice, Mr. Gurpartap S. Bhullar, AAG Punjab accepts notice on behalf of respondent No.1/State and Mr. R.S. Dhillon, Advocate has put in appearance on behalf of respondents No.2 to 8. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties are directed to appear before the Illaqa Magistrate/trial Court and get their statements recorded with regard to the compromise on 23.12.2024. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-

- 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.*

Report of the Area Magistrate/Trial Court be awaited for 30.01.2025.”

(8) In terms of aforesaid order, statements of both the parties were recorded and a report dated 17.01.2025 has been received from learned Sub Divisional Judicial Magistrate, Rajpura. For reference, the operative part of report reads as under:-

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“After having considered the statements of the parties and report of investigating Officer of the case, points vise report is submitted as under:-

- 1. Five accused persons namely Khoob Chand, Satya Devi, Sunita Rani alias Sunita Chaudhary, Reema Rani and Satish Kumar alias Satish Chaudhary have been arrayed as accused in this case and accused persons namely Satya Devi, Sunita Rani alias Sunita Chaudhary, Reema Rani and Satish Kumar alias Satish Chaudhary have appeared in the present FIR.*

Accused Khoob Chand has already expired and proceeding against him in the present case has already been abated vide order dated 17.05.2023. As per record and statement of Investigating Officer, accused persons namely Satya Devi, Sunita Rani alias Sunita Chaudhary, Reema Rani and Satish Kumar alias Satish Chaudhary have not been declared as absconding/Proclaimed persons in this case.

- 2. In the present case complainants namely Subhash Chand, Om Parkash, Narayan Dass, Satya Batra, Pushpa, Kamla alias Kamlesh, Shakuntla alias Poonam and Mamta are only complainant/injured/aggrieved. Complainants namely Om Parkash, Narayan Dass, Satya Batra, Pushpa, Kamla alias Kamlesh, Shakuntla alias Poonam and Mamta appeared and got recorded their statement in support of the compromise on 23.12.2024. Complainant Subhash Chand son of Karam Chand has already expired.*
- 3. The present case is fixed for prosecution evidence.*

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4. *In view of statements of complainants namely Om Parkash, Narayan Dass, Satya Batra, Pushpa, Kamla alias Kamlesh, Shakuntla alias Poonam and Mamta and accused persons namely Satya Devi, Sunita Rani alias Sunita Chaudhary, Reema Rani and Satish Kumar alias Satish Chaudhary compromise arrived between them appears to be genuine, voluntary and out of free will of the parties.*
5. *As per record and statement of Investigating Officer of this case except the present FIR there is no other criminal case/FIR is pending against the said accused persons.”*

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 Versus 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

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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 involve public funds. 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.

11th February, 2025
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>