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

**CRM-M No.758 of 2025
Date of Decision: 07.05.2025**

Naresh Kumar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Utkrant Mahajan, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Ms. Tejinder Kaur, Advocate for
Mr. Vishal Munjal, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.93, dated 25.11.2024, under Sections 118(1), 118(2), 115(2), 190, 191(3) of BNS, 2023, registered at Police Station Taragarh, District Pathankot, Punjab on the basis of compromise between the petitioner and respondent No.2 to meet the ends of justice (Offence under section 118(2) of BNS added later on). Further prayer has been made for staying the further proceedings pursuant to registration of abovesaid FIR during the pendency of the present petition.



2. FIR in question was filed by complainant-respondent No.2 and the trial started thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from Compromise Deed, annexed as Annexure P-2. On the basis of the compromise, the petitioners are invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question along with all subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 10.01.2025 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

4. In pursuance to the same, learned Judicial Magistrate Ist Class, Pathankot has sent the report dated 03.03.2025 to this Court. With the report, she has annexed the photocopy of statement of complainant/respondent No.2, namely, Amit Sharma and photocopy of joint statement of accused/petitioners No.1 to 5, namely, Naresh Kumar, Varun Mahajan, Dishant Katal, Rajinder Singh, Jatinder Singh son of Naginder Singh and Jatinder Singh son of Sai Dass recorded on 07.02.2025. She has also annexed the photocopy of statement of ASI Satpal recorded on 01.03.2025. On the basis of the statements, learned Judicial Magistrate Ist Class, Pathankot has concluded in the report that the compromise effected between the parties appears to be genuine,



voluntary and out of free will of the parties. It has further been mentioned that as per the statement of ASI Satpal, there is no other accused in the FIR except the present accused-petitioners. It has further been mentioned that as the per the statement of ASI Satpal, the parties are not involved in any other case and the accused were not declared as proclaimed offender in this case.

5. Status report dated 04.05.2025 by way of an affidavit of Sukhjinder Pal Singh, PPS, Deputy Superintendent of Police (Rural), District Pathankot on behalf of respondent No.1 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

6. I have heard learned counsel for the parties, perused the record and the report sent by the learned Judicial Magistrate Ist Class, Pathankot.

7. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

8. Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The



Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675* followed by this Court in Full Bench case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052* have dealt with the proposition involved in the present case and settled the law.

9. Thereafter, Hon'ble Supreme Court in *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in *State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335*. Para 61 of the judgment reads 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 F.I.R may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 predominantly 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 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 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. Although present case pertains to an offence under Section 118(2) BNS yet good sense has prevailed upon the parties and they have



settled the dispute and this Court accepts the settlement just to enhance the spirit of brotherhood, peace and harmony between the parties.

11. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the case would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of B.N.S.S.

12. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.93, dated 25.11.2024, under Sections 118(1), 118(2), 115(2), 190, 191(3) of BNS, 2023, registered at Police Station Taragarh, District Pathankot, Punjab along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise between the petitioner and respondent No.2. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the Court below.

13. Petition stands allowed.

07.05.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No