



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-29971-2022

Date of decision: 22.07.2025

DARON SAINI AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Puri, Advocate for the petitioners.

Mr. G.S. Bhullar, AAG, Punjab.

Ms. Deepti Rampal, Advocate for respondents No.2 and 3.

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**SUMEET GOEL, J.**

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.140 dated 17.11.2021 under Sections 341, 323, 325, 148, 149 of IPC, registered at Police Station Sadar, Tehsil and District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 24.01.2022 (Annexure P-2), which is stated to have been effected between the parties.

2. On 24.07.2023, the following order was passed:

***“CRM-29966-2023***

*This is an application under Section 482 Cr.P.C. for granting one more opportunity to the parties to get their statements recorded in terms of the order dated 10.01.2023 passed by the Coordinate Bench.*

*It is stated in the application that in pursuance of the aforesaid order dated 10.01.2023, the parties could not appear before the concerned Court for getting their statements recorded due to some unavoidable circumstances. The application is supported with an affidavit of petitioner No.1.*

*Notice in the application.*



*Learned State counsel and learned counsel for respondents No.2 and 3 submit that they have no objection, if the present application is allowed.*

*In view of the above, the present application is allowed. The parties are directed to appear before the trial Court/Duty Magistrate, on 16.08.2023 or any other date convenient to the court concerned, for getting their statements recorded with regard to the compromise. The concerned Court 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/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.*

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*Report of the concerned Court be awaited for 12.10.2023.”*

3. Pursuant to the aforesaid order, report dated 11.12.2024 from Judicial Magistrate Ist Class, Pathankot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“It is most humbly submitted that as per the said order of the Hon'ble High Court dated 24.07.2023 and 22.08.2024 in CRM-M-29971-2022 as per which, the respondent No.3 was directed to appear before the Trial Court/Illaq Magistrate for recording his respective statement with regard to compromise/settlement and the Trial Court/Illaq Magistrate was directed to submit a report on or before next date of hearing containing information regarding the fact that whether the compromise arrived between the parties is voluntary or not.*

*2. Accordingly, in compliance of the aforesaid order of the Hon'ble Punjab & Haryana High Court, the respondent No.3 injured Anu Kumar @ Panku appeared in the court on 04.12.2024 for recording his statement.*

*3. Respondent No.3 injured Anu Kumar @ Panku suffered statement that FIR No.140 dated 17.11.2021, under Sections 325, 323, 341, 148, 149 of IPC was registered at P.S. Sadar, Pathankot on the basis of the statement of the complainant Hardeep Singh and on his statement registered by him against accused persons namely Dhruv Saini, Daron Saini, Ankush Sharma and Akash Sharma. That with the intervention of relatives and respectable from both sides, he has arrived at a compromise with accused persons. The compromise is genuine and voluntary and without any force, threat or coercion and he*



*has supported the same with his own volition. The present FIR may kindly be quashed. He also placed on record Aadhar Card 654701782530 Ex.CX.*

*4. Therefore, in light of the statements suffered by the respondent No.3 injured Anu Kumar and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence. It is pertinent to mention here that the complainant in the present FIR namely Hardeep Singh has already got his statement qua the compromise recorded in the court along with the statements of all the accused and the report dated 07.10.2023 qua the same has already been submitted by the learned predecessor of this-Court.*

*5. It is also submitted that only four accused namely Dhruv Saini, Daron Saini, Ankush Sharma and Akash Sharma were named in the FIR. None of the accused are proclaimed offender. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The accused persons are not involved in any other FIR. The challan in the present case has already been filed. Hence, proper compliance has been made of the order of Hon'ble High Court Punjab & Haryana as stated above. The requisite report is presented in this regard for kind perusal of your goodself and for further proceedings.”*

4. Learned counsel for respondents No.2 and 3 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

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 to quash proceeding in non-compoundable offences in 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.*

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 482 of Cr.P.C. 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.140 dated 17.11.2021 under Sections 341, 323, 325, 148, 149 of IPC, registered at Police Station Sadar, Tehsil and District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 24.01.2022 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

**(SUMEET GOEL)**  
**JUDGE**

July 22, 2025  
*jatir*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No