



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

**CRM-M-31131-2024 (O&M)
Date of decision : 28.04.2025**

Karnail Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Sandeep Chopra, Advocate for the petitioners.
Mr. T.P.S.Walia, AAG, Punjab.
Mr. Sumit Nain, Advocate for respondent Nos. 2 to 4.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.),' for quashing of FIR No.52 dated 20.05.2023, under Sections 452, 323 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') [Sections 201, 325 IPC added lateron], registered at Police Station Julkan, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 04.06.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 4.

2. Allegations are that petitioners in furtherance of their common intention caused grievous injuries to the *de facto*-complainant, namely Charanjeet Kaur and her family members with their respective weapons.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 to 4; hence FIR in question as well as subsequent proceedings deserve to be quashed.



4. Learned counsel for respondent Nos.2 to 4 have 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 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 on 28.08.2024, passed the following order:-

“ Learned counsel representing State prays for an adjournment to file status report. Be filed on or before next date of hearing.

In the meantime, let statements of petitioners and respondents No. 2 to 4 be recorded with regard to compromise, on or before 25.09.2024 by learned Illaqa /Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, Court will send copies of same to this Court before next date of hearing along with its report i.e.,

1. The number of accused in the aforesaid FIR and to report whether any of accused have been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether compromise entered between the parties is genuine, voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioners in any other FIR.

4. Status of trial pending before the Court concerned.

To await the report, list again on 21.10.2024.”



8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 24.10.2024 has been received from learned Principal Magistrate, Juvenile Justice Board, Patiala. For reference, the operative part of report reads as under:-

“ i. As per the statements of complainant Charanjit Kaur and aggrieved/injured persons Harpreet Kaur and Jagsir Singh and investigating officer ASI Sikanderpal Singh present FIR has been registered against four persons namely Karnail Singh, Harjinder Singh, and children in conflict with law Avijot Singh and Jashandeep Singh. Further, as per the statement of children in conflict with law as well as investigating officer, neither children in conflict with law are declared proclaimed offenders nor any such proceedings have been initiated or pending against them.

ii. In their statements, complainant Charanjit Kaur and aggrieved/injured persons namely Harpreet Kaur and Jagsir Singh and children in conflict with law namely Avijot Singh and Jashandeep Singh along with their father have stated that, with the intervention of respectable members of family, they have compromised the matter in accordance with compromise Mark A, which is genuine, voluntary, without any coercion, threat or undue influence.

iii. ASI Sikanderpal Singh, No.1125/Patiala, posted at P.S. Julkan, Patiala, the Investigating Officer of the present case stated that as per police record, none of the accused/petitioner/children in conflict with law is involved in any other FIR.

iv. As per the report of concerned Ahlmad, present case is fixed for prosecution evidence, after serving the notice of accusation on 30.4.2024 upon both the children in conflict with law namely Avijot Singh and Jashandeep Singh.”

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 petitioners.

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

28.04.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No