



CRM-M-20800-2024

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

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**CRM-M-20800-2024 (O&M)
Date of decision: 03.03.2025**

Gurmail Singh and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S.Dhaliwal, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Manpreet Singh, Advocate,
for respondent Nos. 2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') praying for quashing of FIR No. 22 dated 17.02.2024, under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 13 of Punjab Travel Professionals (Regulations) Act, 2014, registered at Police Station Kotbhai, District Sri Muktsar Sahib, Punjab along with all consequential proceedings arising therefrom on the basis of compromise dated 19.04.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3.

2. Allegations are that petitioners in connivance with co-accused duped the complainant to the tune of Rs.19 lakh, on pretext of sending his son abroad, but failed to do so.



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3. It is also pointed out another co-accused namely Lakhwinder Singh has also filed separate petition bearing CRM-M-64626-2024.
4. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed.
5. Learned counsel for respondent Nos.2 & 3 has also acknowledged the contention raised on behalf of the petitioners.
6. 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.
7. Heard learned counsel for the parties and perused the paper-book.
8. A Co-ordinate Bench, while issuing notice of motion on 26.04.2024, passed the following order:-

“The present petition has been filed for quashing of an FIR No.22 dated 17.02.2024 under Sections 420, 465, 468, 471 and 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 registered at Police Station Kotbhai, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom, on the basis of compromise dated 19.04.2024 (Annexure P-2), entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 22.09.2024.

Ms. Ramta K Chaudhary, DAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Manpreet Singh, Advocate, accepts notice on behalf of respondents No.2 and 3. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish



to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statement with regard to compromise/settlement (Annexure P-2) on 29.05.2024 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-.

- 1. Number of persons arrayed accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.*

The petitioner shall deposit a cost of Rs.25,000/- (collectively) with the Punjab and Haryana High Court Bar Association, Chandigarh, Account No.65035682434, SBI High Court Branch, IFSC:-SBIN0050306 concerned on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”

9. In terms of aforesaid order, statements of both the parties were recorded and a report dated 23.07.2024 has been received from learned Judicial Magistrate First Class, Gidderbaha. For reference, the operative part of report reads as under:-

- “1. There are four persons arrayed as accused in the present FIR namely Lakhwinder Singh, Guraditta Singh @ Gura, Gurmail Singh and Lakhveer Singh.*
- 2. As per the statement of Investigating Officer and the accused, none of the accused has been declared proclaimed offender.*



3. *In the given circumstances, I am satisfied that compromise has been effected between complainant Resham Singh, Manjeet Singh @ Manjeet Singh Brar and accused Lakhwinder Singh, Guraditta Singh @ Gura, Gurmail Singh and Lakhveer Singh amicably, with their free consent, without any pressure and the same appears to be genuine, voluntary and without any pressure, threat, coercion or undue influence and they got their statements recorded before the Court voluntarily.*

4. *As per the statement of Investigating Officer, none of the accused is involved in any other FIR.*

5. *Statement of complainant Resham Singh and Manjeet Singh @ Manjeet Singh Brar has been recorded who are the only victim/aggrieved persons in the present case.*

6. *Statement of Investigating Officer ASI Jagdish Singh has been recorded as per which, there are two victims namely Resham Singh and Manjeet Singh @ Manjeet Singh Brar and four accused namely Lakhwinder Singh, Guraditta Singh @ Gura, Gurmail Singh and Lakhveer Singh in the present case, who all are party to the compromise in question.*

It is pertinent to mention here that accused Lakhwinder Singh is not a party to the petition filed before Hon'ble High Court.”

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.

10. 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 predominately 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.”

11. 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.
12. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.



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

03.03.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*

Whether reportable : *Yes / No*