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

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DATE OF DECISION :- 25.02.2025

Chanda Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Bobby Girdhar, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Manpreet, Advocate for respondent No. 2.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') praying for quashing of FIR No.0058 dated 30.04.2021 (P-1), under Sections 323, 324, 506, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Balongi, District SAS Nagar, along with all consequential proceedings arising therefrom on the basis of compromise dated 18.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that the petitioners in prosecution of their common object inflicted injuries on the person of *de facto* complainant Karan Gautam with knife and also criminally intimidated him.



(3) Contends that matter has been amicably settled between the parties i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.

(4) Learned Counsel for respondent No.2 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 of this Court, on 14.01.2025, passed the following order in the main case:-

*“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.*

*Notice of motion.*

*At this stage, Mr. Yuvraj Singh Tiwana, AAG, Punjab, has put in appearance on behalf of respondent No 1-State of Punjab and accepts notice.*

*Ms. Manpreet, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.*

*The parties are directed to get their statements recorded qua the factum of compromise in the following manner:*

*(i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 20.01.2025 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statement of the petitioners as well as of the complainant qua the factum of compromise. As and when any such*



*appearance is made, the trial Court/Illaq Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaq Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaq Magistrate.*

*(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*

*(iii) The trial Court/Illaq Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaq Magistrate.*

*After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.*

*The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:*

*(i) Whether there is any other accused other than the petitioners, arrayed in this petition.*



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(ii) *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*

(iii) *Whether any accused has been declared Proclaimed Offender?*

*The report be submitted before this Court before the next date of hearing i.e. 13.02.2025.”*

(8) In terms of aforesaid order, statements of both the parties were recorded and a report dated 11.02.2025 has been received from learned Judicial Magistrate First Class, Kharar. For reference, the operative part of report reads as under:-

- “1. As per the statement of ASI Bir Chand, the investigation officer of the present case namely SI Sarabjit Singh has retired.*
- 2. As per the statement of ASI Bir Chand, there are no other accused persons other than the petitioners, arrayed in this petition.*
- 3. As per the statement of ASI Bir Chand, there is no other complainant or affected/aggrieved party other than the respondents, arrayed in this petition.*
- 4. As per statements of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.*
- 5. As per the statement of ASI Bir Chand, no accused person has been declared as proclaimed offender in the present case.”*

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 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*



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*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 peace and 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 consequential proceedings resulting therefrom are quashed *qua* the petitioner.

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

(MAHABIR SINGH SINDHU)  
JUDGE

25.02.2025

*P.Singh*

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No