



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

**CRM-M-58144-2024 (O&M)
Date of decision : 01.07.2025**

Malkeet Singh and Others

... Petitioners

Versus

State of Punjab and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioners.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

Mr. G.S.Sidhu, Advocate and
Ms. Gurpreet Kaur, Advocate
for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No.102 dated 31.08.2015 (P-1), under Sections 323, 506, 452 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Nihal Singh Wala, District Moga, along with all consequential proceedings arising therefrom on the basis of compromise



dated 19.09.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

(2) Allegations are that the petitioners in furtherance of their common intention trespassed into the house of the *de facto* complainant/respondent No. 2-Karamjeet Kaur; inflicted injuries on the person of complainant party and also criminally intimidated them.

(3) 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.

(4) Learned Counsel for respondent Nos.2 & 3 has also acknowledged the contention raised on behalf of the petitioners.

(5) Still further, learned State Counsel, on instructions from the police official 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 i.e. petitioners as well as respondent Nos.2 & 3.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) This Court, while issuing notice of motion on 17.01.2025, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties i.e. petitioners and respondents No. 2 and 3 and submits that petitioners are ready to bear the costs of Rs. 45,000/- (Rs.15,000/-each).

(2) Notice of motion.



(3) On asking of the Court, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent No.1/State.

In compliance of order dated 25.11.2024 passed by Co-ordinate Bench of this Court, status report by way of affidavit dated 16.01.2025 of Mr. Anwar Ali, PPS, Deputy Superintendent of Police, Sub division Nihal Singh Wala, District Moga on behalf of respondent No. 1 has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

(4) Mr. Gurbinder Singh Sidhu, Advocate for respondents No.2 and 3, has acknowledged the factum of compromise (P-2) arrived at between the parties i.e. petitioners and respondents No. 2 and 3.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 30.01.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 13.02.2025 for further consideration.



(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Costs of Rs. 45,000/- be deposited with Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613, IFSC Code: SBIN0050306, State Bank of India, High Court Branch, Chandigarh.

(12) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

(8) In terms of aforesaid order, statements of both the parties were recorded and report dated 05.02.2025, received from learned Sub Divisional Judicial Magistrate, Nihal Singh Wala. For reference, the relevant extract of report reads as under:-

“ 1. From the statement of parties, it is evident that the compromise between the parties is bona-fide, without any pressure or coercion of the parties.

2. From the statement of parties, it is evident that the compromise between the parties is genuine and valid of the parties.

*3. Hardev Singh son of Harbans Singh son of Bakhshi Singh, resident of village Lohara, Tehsil Nihal Singh Wala (Through Special Power of Attorney on behalf of complainant Karamjeet Kaur as well as injured Parminder Kaur) and accused persons namely Paramjeet Kaur and Malkeet Singh are party to the compromise in question, but **accused Akashdeep Singh @ Visakha Singh is not party to the compromise in question as he has not appeared in the Court and at present, accused Akashdeep Singh @ Visakha Singh has been gone abroad.***

4. From the statements of the parties as well as statement of Investigating Officer namely ASI Lakhwinder Singh and from the judicial record, there is no other criminal case pending against the parties, except the present case.

5. From the statements of the parties as well as statement of Investigating Officer namely ASI Lakhwinder Singh and from the judicial record, none from above named accused persons have been declared as Proclaimed Offender in the present FIR nor any such proceedings are pending against accused persons, except the present FIR.



6. From the statement of Investigating Officer namely ASI Lakhwinder Singh and from the judicial record, accused persons have not been convicted previously in any case.”

(9) Since petitioner No. 3 did not appear before the learned trial Court for recording of his statement, therefore, application bearing CRM-5423-2025 was filed for granting permission to petitioner No. 3 to record his statement before the learned trial Court through video conferencing in terms of order dated 17.01.2025.

(10) When this case was listed for hearing on 25.02.2025 before this Court, the following order was passed in the said application i.e. CRM-5423-2025.

“Application for fixing fresh date for recording the statements of parties in terms of order dated 17.01.2025, passed by this Court.

Notice of the application to the non-applicants/respondents.

On asking of the Court, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent No.1 and raises no objection to the present application.

Ms. Gurpreet Kaur, Advocate accepts notice for respondents No. 2 and 3.

In view of the above and for the reasons mentioned in the application, the same is allowed as prayed for subject to all just exceptions.

One more opportunity is granted subject to payment of costs of Rs.10,000/- to be deposited with Punjab and Haryana High Court Employees Welfare Association, A/c No.37167209613, IFSC: SBIN0050306, maintained with State Bank of India, High Court Branch, Chandigarh.

Let statements of the parties be got recorded before learned Illaqa Magistrate/trial Court on 18.03.2025, in terms of order dated 17.01.2025, and report be submitted to this Court on 24.04.2025.”

(11) In terms of aforesaid order, statements of both the parties were recorded and report dated 24.03.2025, received from learned Sub Divisional



Judicial Magistrate, Nihal Singh Wala. For reference, the relevant extract of report reads as under:-

“5. The answers to queries in reply as sought vide order dated 17.01.2025 and 25.02.2025 passed in CRM-5423-2025 in/and CRM-M-58144-2024 by Hon'ble High Court of Punjab and Haryana, is as follows:-

1. From the statement of parties, it is evident that the compromise between the parties is bona-fide, without any pressure or coercion of the parties.

2 From the statement of parties, it is evident that the compromise between the parties is genuine and valid of the parties.

3. Hardev Singh son of Harbans Singh son of Bakhshi Singh, resident of village Lohara, Tehsil Nihal Singh Wala (Special Power of Attorney on behalf of complainant Karamjeet Kaur as well as injured Parminder Kaur) and accused persons namely Paramjeet Kaur, Malkeet Singh and Akashdeep Singh @ Visakha Singh are party to the compromise in question.

4. From the statements of the parties as well as statement of Investigating Officer namely ASI Lakhwinder Singh recorded on 03.02.2025 and from the judicial record, there is no other criminal case pending against the parties, except the present case.

5. From the statements of the parties as well as statement of Investigating Officer namely ASI Lakhwinder Singh and from the judicial record, none from above named accused persons have been declared as Proclaimed Offender in the present FIR nor any such proceedings are pending against accused persons, except the present FIR.

6. From the statement of Investigating Officer namely ASI Lakhwinder Singh and from the judicial record, accused persons have not been convicted previously in any case.”

(12) 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.



(13) 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 affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

(14) In view of above discussion, this Court is fully convinced that the offences are 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.

(15) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioner(s).

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

1st July, 2025
kavneet singh

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>