



CRM-M-64012-2024

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

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**CRM-M-64012-2024
Decided on : 18.03.2025**

**Harmanjit Singh @ Harmanjeet Singh
Versus**

.....Petitioner

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Kuljeet Kaur Adhen, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Ms. Sheena Khanna, Advocate for
Ms. Suresh Rani, Advocate for respondent No.2.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 482 Cr.P.C./528 of BNSS, for setting aside the order dated 14.07.2017(P-5), whereby the petitioner was declared proclaimed person as well as quashing of FIR No. 23 dated 08.03.2024, under Sections 323, 341, 324, 506, 148, 149 IPC, registered at Police Station Payal, District Ludhiana on the basis of compromise dated 28.11.2024(P-7)

2. On 19.12.2024, following order was passed by the coordinate Bench of this Court:

“ Learned counsel for the petitioner submitted that the petitioner, who has otherwise been declared a proclaimed person, is willing to surrender before the trial Court and to associate with the proceedings of trial.

List on 11.03.2025.

In the meantime, the petitioner is directed to surrender before the trial Court and to move an application seeking grant of regular bail. In case, the petitioner surrenders before the trial Court and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously preferably within 3 days of filing of such application”.

In compliance thereto, petitioner appeared before learned trial Court and subsequently moved CRM-3055-2025 for issuance of



directions to learned trial Court to record the statements of the parties as regards the factum of compromise, which was allowed vide order dated 31.01.2025 and parties were directed to appear before learned trial Court/Illaq Magistrate and to move appropriate application for the purpose of getting their statements recorded qua the factum of compromise.

3. Pursuant to the aforementioned order, the parties appeared before the Court of learned Judicial Magistrate First Class, Payal, and as per report dated 21.02.2025, submitted to this Court, both the parties have got recorded their respective statements in Court. Relevant part of said report is reproduced herebelow:

*“i) That from the statement of Investigating Officer, complainant/respondent no.2 and petitioner/accused, it is cleared that there are five other persons arrayed as accused in the present FIR, other than the petitioner/accused.
ii) That from the statement of Investigating Officer as well complainant/respondent no.2, it is found that only complainant/respondent no.2 is affected/aggrieved party in the aforesaid FIR.
iii) That from the statement of Investigating Officer, it is found that none of the accused have been declared proclaimed offender.
iv) That from the statement of complainant/ respondent no.2 and petitioner/accused, it has been cleared that a valid compromise without any undue influence or coercion has been effected between them and same is genuine one.”*

4. When the matter came up for consideration before this Court on 12.03.2025, it was noticed that present petition has been filed by one accused namely; Harmanjit Singh @ Haramjeet Singh but in the report forwarded by learned Judicial Magistrate First Class, Payal, investigating officer appeared and gave his statement that apart the present petitioner, there are five other accused who were nominated on the statement of complainant. In this backdrop, the concerned Investigating officer was directed to be present before this Court alongwith the affidavit for making the facts clear.

5. In view of the directions issued by this Court vide order dated 12.03.2025, Investigating officer-ASI Sukhjit Singh is present in Court and submits that inadvertently without verifying the true and correct facts, he made statement before learned trial Court on 17.02.2025



to the effect that there are total six accused in the case, infact true position was/is that out of total six accused, five accused had been acquitted except present petitioner, who was declared as Proclaimed Offender in the same case. The investigating officer regrets for his fault and expresses unconditional apology.

6. Learned State counsel has filed affidavit of Surjit Singh, ASI, posted at Police Station Payal, Police District Khanna, in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book. Relevant paragraph No.6 and 7 of affidavit, reads as under:

“6. That trial Court acquitted accused namely Yadwinder Singh @ Jadu, Satnam Singh, Hardeep Singh, Ravinder Singh and Mandeep Singh @ Goggi vide judgment and order dated 13.08.2018. That the learned Trial Court vide order dated 13.08.2018 directed that the case file be consigned to the record room and that the same shall be revived as and when accused Harmanjeet Singh (present petitioner), who was declared a proclaimed offender, appears before the Court or is arrested by the Police, and supplementary challan against him is filed.

7. That it is respectfully submitted that as per police records, apart from the petitioner and said five co-accused, no other person was nominated as accused in FIR No.23 dated 08.03.2014, nor was any other individual affected or aggrieved by the same FIR.”

7. Learned counsel for the petitioner(s) submits that in view of the report received from the learned Court Below, it is evident that the matter has been resolved and private parties have effected a compromise, and there remains no dispute amongst them requiring any adjudication. Further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law, and the same may be quashed.

8. Learned State counsel as also learned counsel for private respondent(s), after going through the statements and the report received



from learned Court below, very fairly admit that the private party has resolved dispute and effected a compromise and that he has no objection if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

9. Through catena of judgments, Hon'ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

- *Power under Section 482 Cr.P.C./Section 528 BNSS can be exercised to enhance social amity, and to reduce friction.*
- *Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 528 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.*
- *There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C./Section 528 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".*
- *No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 528 of the BNSS.*
- *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.*
- *High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.*
- *Power under Section 482 Cr.P.C./Section 528 BNSS is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court.*
- *Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.*
- *The exercise of power has to be with circumspection and restraint.*



- *The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.*
- *The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.*
- *Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*
- *Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.*

In this regard, judgments cited are:

1. **Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);**
2. **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);**
3. **Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and**
4. **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]**

10. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner are bleak in view of the compromise, so effected between the private parties.

11. The report alongwith statements of the affected parties received from learned Court below reveals that the complainant/victim person(s) has genuinely effected a compromise with the petitioner and he has no objection, if the impugned FIR and consequential proceedings are quashed.



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12. Since the co-accused have already been acquitted by learned trial Court vide its judgment dated 13.08.2018 and only the petitioner could not earn his acquittal because he was declared as Proclaimed Person and under the directions of this Court, petitioner has joined the process of law and the matter has been compromised and to that extent statement of parties have already been recorded, therefore, nothing remains to be adjudicated at this stage.

Keeping in view the totality of the facts and circumstances of the case, including the status report, it is clear that petitioner is only left out accused qua whom proceedings in impugned FIR are pending and also taking into consideration the report received by this Court as well as the aforementioned settled principles of law, this petition is accepted, thus the **impugned order dated 14.07.2017 (P-5)** as well as **FIR (as detailed in para No. 1 above)** and **all the consequential proceedings arising therefrom** are hereby quashed *qua* the petitioner, in view of compromise dated 28.11.2024(P-7).

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 18, 2025
rashmi

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO