

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

**CRM-M-44060-2024 (O&M)  
Date of decision : 01.05.2025**

Lovepreet Singh @ Labhu

... Petitioner

*Versus*

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. S.S.Sarwara, Advocate for  
Mr. Ishan Gupta, Advocate for the petitioner.

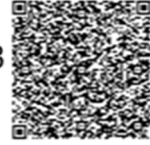
Mr. T.P.S.Walia, AAG, Punjab for respondent No.1.

Mr. Sahil Matharoo, Advocate for respondent No.2.

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**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.53 dated 10.05.2021 (P-1), under Sections 452, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Gidderbaha, District Sri Muktsar Sahib, along with all consequential proceedings arising therefrom on the basis of compromise dated 29.08.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.



(2) Allegations are that petitioner trespassed into the house of *de facto* complainant-Nirlep Kaur, inflicted injuries to her and also criminally intimidated her with dire consequences.

(3) Contends that matter has been amicably settled between the parties i.e. petitioner 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 petitioner.

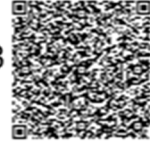
(5) Still further, learned State Counsel, on instructions from the police official present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties i.e. petitioner as well as respondent No.2. However, he has apprised the Court that petitioner is involved in another case i.e. FIR No.81 dated 13.05.2020, under Sections 323, 325 IPC, registered at Police Station Gidderbaha, District Sri Muktsar Sahib

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

(7) The Coordinate Bench, on 05.11.2024, passed the following order:-

*“1. Status report filed by the respondent-State is taken on record. Copy furnished to the opposite counsel.*

*2. Learned counsel for the petitioner states that application for compounding of the offence was filed before the learned trial Court and the same has been accepted, vide order dated*



*24.09.2024, therefore, he has instructions to withdraw the present petition.*

*3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn.”*

(8) Thereafter, on 05.02.2025, another order was passed by the Coordinate Bench, which is recapitulated as under:-

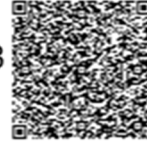
*“1. Applicant/petitioner has filed instant application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for clarification/modification of order dated 05.11.2024 (Annexure A-1) passed by this Court with a prayer for restoration of main petition bearing CRM-M-44060-2024 titled as “Lovepreet Singh @ Labhu Vs. State of Punjab and another” on account of inadvertent bonafide mistake at the instance of counsel for petitioner vide which main petition was withdrawn.*

*2. It is pointed out that the case came up for hearing on 05.11.2024. Case was for compounding of offence on the basis of compromise in FIR No.53 dated 10.05.2021 under Sections 452, 323, 506 and 34 IPC registered at Police Station Gidderbaha (Annexure P1) whereas by mistake factual position in another FIR No.81 of 2020, Police Station Gidderbaha was mentioned pertaining to the present FIR. A wrong statement was made before this Court due to misunderstanding as a result main petition was withdrawn. It is submitted that mistake on the part of counsel for petitioner was due to the aforesaid misunderstanding, therefore, main petition may kindly be restored by accepting present application.*

*3. Mr. Sahil Matharoo, Advocate appeared on behalf of respondent No.2 and did not oppose this application.*

*4. Learned State counsel also raised no objection to the application being allowed.*

*5. Contents of application indicate that due to misunderstanding in the present case, learned counsel for*



*petitioner gave statement alleging that application for compounding of offence has been filed before the trial Court, therefore, petition was withdrawn. Copy of order dated 05.11.2024 is on the main file. The facts narrated in the application indicate that said statement was made in the Court due to misunderstanding. It is required that case is decided on merits. Therefore, application filed by petitioner is allowed. Impugned order dated 05.11.2024 is, accordingly, recalled and the main petition is restored to its original number and status and be listed on 06.03.2025.”*

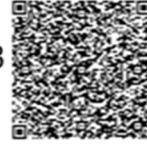
(9) Learned Counsel for the petitioner has placed reliance on order dated 24.09.2024 (A-3), annexed with CRM-45687-2024 in CRM-M-44060-2024 (main case), which shows that the offences stand compounded and petitioner by virtue of Section 320(8) of Cr.P.C. stands acquitted of the charges framed against the petitioner in another case i.e. FIR No.81 dated 13.05.2020, under Sections 323, 325 IPC, registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

(10) The Coordinate Bench, while issuing notice of motion on 06.09.2024, passed the following order:-

*“Petitioner(s) filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.53 dated 10.05.2021, registered under Sections 452, 323, 506, 34 of IPC, at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom, qua the petitioner(s), in light of the compromise effected between the parties dated 29.08.2024 (Annexure P-2).*

*Notice of motion.*

*On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State.*



*Ms. Harita Panthey, Advocate appeared on behalf of respondent No.2 and filed of power of attorney, which is taken on record.*

*Let the statements of petitioner and respondent No.2 be recorded with regard to the compromise on or before 16.10.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the 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 the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.*

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

*3. Statement of IO regarding involvement of petitioner(s) in any other FIR.*

*4. Status of the trial pending before the Court.*

*To await the report, list again on 05.11.2024.*

*Status report be filed by respondent – State by the adjourned date.”*

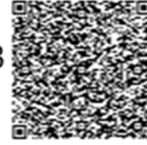
(11) In terms of aforesaid order, statements of both the parties were recorded and report dated 10.10.2024 has been received from learned Sub Divisional Judicial Magistrate, Gidderbaha. For reference, the operative part of the same reads as under:-

*“4. As regards information/report desired by the Hon'ble High Court:-*

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

*As per statement of the investigating officer only one person namely Lovepreet Singh @ Labhu has been arrayed as accused in the present FIR who has*

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*not been declared proclaimed offender(s) nor are any such proceedings pending against him.*

*ii. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence?*

*The compromise between respondent no. 2 i.e. complainant/victim Nirlep Kaur on the one hand and the petitioner i.e. accused Lovepreet Singh @ Labhu on the other thus appears to be genuine and valid and voluntary and out of free will and volition of the parties and without any kind of inducement, threat, coercion or undue pressure or influence.*

*iii. Statement of IO regarding involvement of petitioner(s) in any other FIR?*

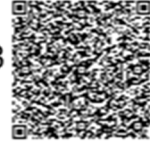
*As per statement of the investigating officer FIR No.81 dated 13.05.2020 under Sections 325/323 IPC Police Station Gidderbaha is registered against the petitioner i.e. accused Lovepreet Singh @ Labhu.*

*iv. Status of the trial pending before the Court.*

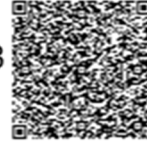
*As per statement of the investigating officer challan has already been presented in the court and as per record trial before the court is pending at the stage of prosecution evidence.”*

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.

**(12)** 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 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.”*

(13) 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.

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

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

1<sup>st</sup> May, 2025  
Gagan

(MAHABIR SINGH SINDHU)  
JUDGE

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