



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

**CRM-M-62672-2024 (O&M)
Date of decision : 20.02.2025**

Gurdawer Singh @ Amar and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev K. Virk, Advocate,
for the petitioners.
Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Deepika, Advocate for
Mr. Ravi Kumar Mishra, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for quashing of FIR No. 132 dated 19.10.2024 under Sections 127, 115(2), 324(5), 351(2), 351(3), 191(3) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Satnampura, District Kapurthala, along with all subsequent proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 03.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners alongwith other co-accused wrongfully confined respondent No.2 and his father; inflicted injuries on their persons and also caused damage to their vehicles.

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 subsequent 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 subsequent 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, on 17.12.2024, passed the following order:-

“ The petitioners arraigned as accused in the FIR captioned below, has come up before this Court under Section 528 of the BNSS, 2023 to quash the FIR and all consequential proceedings based on the compromise amicably arrived at between the parties.

Notice served upon the official respondent through the State’s counsel. In case the State wants to file its response, they must do so positively before the next date. Counsel appearing for the private respondent states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioners and the private respondents, and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 17.01.2025, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this Court:



<i>Name of the reporting Court</i>	
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<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
132	19.10.2024	Satnampura, District Kapurthala	127, 115(2), 324(5), 351(2), 351(3), 191(3), 190 BNS

<i>Criminal Case no. before trial Court</i>	
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1.	<i>Names of the complainant/victims(s)/aggrieved persons(s)</i>	
2.	<i>Dates on which the statement(s) of the complainant/victims(s)/aggrieved persons(s) were recorded</i>	
3.	<i>Has the identity of the complainant/victims(s)/aggrieved persons(s) been verified?</i>	Yes/No
4.	<i>Whether all the victims/all the aggrieved persons have compromised the matter?</i>	Yes/No
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	Yes/No
6.	<i>Names of the accused person(s)</i>	
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	



8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	<i>Yes/No</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>Yes/No</i>
10.	<i>Has the police report been filed or not?</i>	<i>Yes/No</i>
11.	<i>Notice of accusation/Charges have been framed or not?</i>	<i>Yes/No</i>
12.	<i>Sections of statutes invoked in the matter</i>	
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	<i>Yes/No</i>

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 03.02.2025.”



8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 20.01.2025 has been received from learned Judicial Magistrate First Class, Phagwara. For reference, the report reads as under:-

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1.	<i>Names of the complainant/victim(s)/aggrieved person(s)</i>	<i>(1) Dilpreet Singh and Kulwinder Singh</i>
2.	<i>Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded</i>	<i>07.01.2025</i>
3.	<i>Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?</i>	<i>Yes</i>
4.	<i>Whether all the victims/all the aggrieved persons have compromised the matter?</i>	<i>Yes</i>
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	<i>There is no pressure, threat or coercion upon the victims</i>
6.	<i>Names of the accused person(s)</i>	<i>Gurdawer Singh, Raman Bains and Sandpat David @ David</i>
7.	<i>Dates on which the statement(s) of the accused person(s) recorded</i>	<i>07.01.2025</i>



8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	<i>Accused Gurdawer Singh, Raman Bains and Sandpat David @ David have compromised the matter with complainant/victims Dilpreet Singh and Kulwinder Singh. There is also one unknown accused mentioned in the FIR, who has not compromised with the complainant.</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>As per statement of I.O. no proclamation proceedings are pending against any accused.</i>
10.	<i>Has the police report been filed or not?</i>	<i>Police Report/Challan has not been filed.</i>
11.	<i>Notice of accusation/Charges have been framed or not?</i>	<i>Notice of accusation/Charges have not been framed.</i>
12.	<i>Sections of statutes invoked in the matter</i>	<i>U/S 127, 115(2), 324(5), 351(2), 351(3), 191(3), 190 BNS.</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	<i>This court is satisfied that the compromise effected between the parties and it seems to be genuine, voluntary and out of free will of the parties.</i>

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 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.”

10. 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.

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

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

20.02.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No