

CRM-M-12948-2024 and  
other connected matter

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2025:PHHC:070847



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

202 (02 cases)

CRM-M-12948-2024  
DECIDED ON : 23.05.2025

AVTAR SINGH @ BILLA

.... PETITIONER

**V/S**

STATE OF PUNJAB AND ANOTHER

.... RESPONDENTS

2.

CRM-M-13202-2024

AVTAR SINGH @ BILLA

.... PETITIONER

**V/S**

STATE OF PUNJAB AND ANOTHER

.... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr.Bhupinder Singh, Advocate  
for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Gopal Krishan Saini, Advocate  
for respondent No.2.

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**SANJAY VASHISTH, J.**



1. This order shall dispose of two petitions i.e. CRM-M-12948-2024 and CRM-M-13202-2024, as the same have emanated out of the same occurrence.

2. CRM-M-12948-2024 titled as Avtar Singh @ Billa Vs. State of Punjab and another is for quashing of FIR No.91 dated 09.08.2013, under Sections 307, 324, 341, 323, 148 and 149 IPC (Sections 307, 148 and 149 IPC were deleted later on), registered at Police Station City Phagwara, District Kapurthala, and all subsequent proceedings arising therefrom on the basis of compromise dated 09.10.2023 (Annexure P-4).

3. CRM-M-13202-2024 titled as titled as Avtar Singh @ Billa Vs. State of Punjab and another is for setting aside the order dated 08.07.2015 (Annexure P-2), passed by learned Sub Divisional Judicial Magistrate, Phagwara, whereby he was declared as ‘proclaimed offender’ in Case No. CHI/30/2014, titled as ‘State v. Ajay Kumar @ Love and others, arising out of aforementioned FIR No. 91, dated 09.08.2013, inasmuch as all the other co-accused have been acquitted by the trial Court on 16.09.2015, and a compromise, dated 09.10.2023 has been entered into between the petitioner and respondent No.2/complainant.

4. On 19.03.2025, following order was passed:

*“1. Petitioner Avtar Singh @ Billa, has preferred these two petitions, under Section 482 Cr.P.C. In the first petition, i.e. CRM-M-12948-2024, he has sought quashing of FIR No. 91, dated 09.08.2013, under Sections 307, 324, 341, 323, 148 and 149 IPC (Sections 307, 148 and 149 IPC were*



*deleted later on), registered at Police Station City, Phagwara, District Kapurthala, on the basis of compromise dated 09.10.2023.*

*In the second petition, prayer made by the petitioner – Avtar Singh @ Billa is for setting aside the order dated 08.07.2015, passed by learned Sub Divisional Judicial Magistrate, Phagwara, whereby he was declared as proclaimed offender' in Case No. CHI/30/2014, titled as State v. Ajay Kumar @ Love and others, arising out of aforementioned FIR No. 91, dated 09.08.2013.*

2. *It is also apt to mention that the petitioner – Avtar Singh @ Billa, is presently residing in Saudi Arabia, i.e. at Habalis Shouf Al- Otaibi, Transpiration Est. Damman-Kingdom of Saudi Arabia, and both the present petitions have been filed through his father – Pal Singh @ Harpal Singh, resident of Todarpur, Police Station Mehtiana, District Hoshairpur, being his Special Power of Attorney.*

3. *Trial in the aforementioned case commenced against four accused, namely, (1) Ajay Kumar; (2) Arjun Kumar @ Kush; (3) Naresh Kumar @ Nisha; and (4) Avtar Singh @ Billa (petitioner herein). It is an admitted position on record that accused mentioned at Sr. Nos. 1 to 3 above, have already been acquitted of the charges levelled against them, by the learned Trial Court, vide judgment dated 16.09.2015. However, trial qua the present petitioner could not proceed because he was declared a proclaimed offender, vide order dated 08.07.2015.*

4. *The offence under Section 307 IPC has already been deleted, and the petitioner and respondent No. 2/complainant, have amicably settled the dispute and arrived at a compromise dated 09.10.2023.*



5. *Looking at the circumstances in its totality that both the parties, i.e. the petitioner and respondent No. 2/complainant, have resolved the dispute by way of settlement, and the other three co-accused have already been acquitted by the learned Trial Court, vide judgment dated 16.09.2015, this Court is of the view point that there are bleak chances of conviction of the petitioner in the present case.*

6. *Accordingly, the petitioner – Avtar Singh @ Billa is directed to appear personally before the learned Trial Court on 21.04.2025 or any other date convenient to the said Court, either in person or through Video Conferencing, and thereupon he would be released on bail by the learned Trial Court, subject to due verification of his identity and other antecedents, as also upon furnishing fresh bail bonds/surety bonds to the satisfaction of the Trial Court.*

*It is further clarified that for compliance of the said direction, appearance of Pal Singh @ Harpal Singh, who has filed these petitions being father and Special Power of Attorney of petitioner-Avtar Singh @ Billa, would not be acceptable.*

7. *The affected parties are also directed to appear before the learned Trial Court on 21.04.2025 or any other date convenient to said Court, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:-*

- i. *Total number of persons arrayed as accused in the case;*



- ii. *Whether all the accused and complainant / victims are party to compromise;*
- iii. *Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;*
- iv. *Stage of the trial/proceedings; and*
- v. *Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

8. *To come up on 23.05.2025, awaiting report.*

*A photocopy of this order be placed on the file of other connected case.”*

5. Pursuant to the aforementioned order, the parties appeared before the Court of learned Sub Divisional Judicial Magistrate, Phagwara and as per report dated 07.05.2025, submitted to this Court, both the parties have got recorded their respective statements in Court. From the report received from the learned Court below, the following is discernible:-

<b>Sr. No.</b>	<b>Description</b>	
<b>1.</b>	<b>Total number of persons found involved as accused in the dispute/FIR</b>	Four
<b>2.</b>	<b>Number of complainant/victim(s)</b>	One
<b>3.</b>	<b>Whether all the accused and complainant / victims are party to compromise &amp; signed the same</b>	Yes
<b>4.</b>	<b>In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court,</b>	No



	<b>detail whereof; OR</b>	
5.	<b>Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication</b>	Yes Avtar Singh @ Billa has been declared as proclaimed offender vide order dated 08.07.2015 but now he has furnished the bail bonds/surety bonds
6.	<b>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence</b>	Yes

6. 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.

7. Learned State counsel as also learned counsel for private respondent, after going through the statements and the report received from learned Court below, very fairly admit that the private parties have resolved their dispute and effected a compromise and that they have no objection if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

8. 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]**
9. 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 petitioners are bleak in view of the compromise, so effected between the private parties.
10. The report alongwith statements of the affected parties received from learned Court below would reveal that the complainant/victim person(s) have genuinely effected a compromise with



the petitioner and they have no objection, if the impugned FIR and consequential proceedings are quashed.

11. Keeping in view the totality of the facts and circumstances of the case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, CRM-M-12948-2024 is accepted and **FIR** No.91 dated 09.08.2013, under Sections 307, 324, 341, 323, 148 and 149 IPC (Sections 307, 148 and 149 IPC were deleted later on), registered at Police Station Phagwara, District Kapurthala **and all the consequential proceedings arising therefrom**, are hereby quashed *qua* the petitioner, in view of compromise dated 09.10.2023, arrived at between the petitioner and respondent No.2/complainant.

12. Since the proceedings have already been quashed in CRM-M-12948-2024, there is no necessity to pass any separate order in CRM-M-13202-2024.

13. Hence both the petitions stand disposed of.

14. A photocopy of this order be placed on the file of the connected case.

(SANJAY VASHISTH)  
JUDGE

23.05.2025  
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Whether Speaking/Reasoned: **Yes/No**  
Whether Reportable: **Yes/No**