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

**CRM-M-36021-2024 (O&M)  
Date of decision : 04.03.2025**

Dilbagh Singh and others

... Petitioners

Versus

State of Haryana and another

...Respondents

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

Present: Mr. Vaibhav Narang, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Ms. Sapna Khurana, Advocate for  
Mr. Subhash Chand, Advocate, for respondent No.2.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), praying for quashing of FIR No.165 dated 05.07.2024 (P-2), under Sections 140(3), 351(2), 351(3) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Gharinda, District Amritsar Rural, along with all consequential proceedings arising therefrom on the basis of compromise dated 15.07.2024 (P-1), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners forcefully kidnapped the complainant - Gurbhej Singh; took him to their house and caused injuries with sticks and also gave slap and fist blows.

3. A Co-ordinate Bench, while issuing notice of motion on 29.07.2024, passed the following order:-



*“The petitioners Dilbagh Singh, Amandeep Singh and Dharminder Singh have filed petition under Section 482 Cr.P.C. for quashing of FIR No. 165 dated 05.07.2024 (Annexure P/2), registered under Sections 140(3), 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 at Police Station Gharinda, District Amritsar (Rural) and all other consequential proceedings arising therefrom, on the basis of compromise dated 15.07.2024 (Annexure P/1).*

*Notice of motion.*

*On asking of this Court, Mr. Kewal Singh, Addl. AG, Punjab accepts notice on behalf of State and prays for time to file status report. Learned counsel for the petitioners is directed to supply him a complete copy of the paperbook.*

*Mr. Subhash Chand, Advocate appeared and filed power of attorney on behalf of respondent No. 2, which is taken on record.*

*Let statements of petitioners and respondent No. 2 be recorded with regard to compromise, on or before 27.08.2024 by learned Illaqa/Duty Magistrate concerned, as per convenience of said Court. In the event of their statements being recorded, Court will send copies of same to this Court before 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 accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.*

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

*3. Statement of IO regarding involvement of petitioners in any other FIR.*

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

*To await the report, list again on 18.09.2024.*

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



4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 17.09.2024 has been submitted in this regard by learned Chief Judicial Magistrate, Amritsar. The operative part of the same reads as under:-

*“4. In compliance to the aforesaid order passed by the Hon'ble Punjab and Haryana High Court in CRM-M-367021-2024 it is respectfully submitted that the point wise report of undersigned is as follows:-*

*(i) As per the statement of Investigating officer there are three accused in the present FIR and neither any of the accused has been declared as proclaimed person nor any such proceedings are pending against them.*

*(ii) In view of the statements recorded by both the parties, this court is satisfied that the compromise effected between the parties is genuine, voluntary without any coercion or undue influence.*

*(iii) As per the statement of Investigating officer accused/petitioners are not involved in any other FIR.*

*(iv) As per the statement of Investigating officer the case is still under investigation and final report has not been presented in the Court so far.”*

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, also raised no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise.



7. 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 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.”*

8. In view of above, this Court is convinced that the offence is entirely personal in nature and does not affect public peace or tranquility in any manner. 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.

9. 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.

**04.03.2025**

*d.gulati*

**(MAHABIR SINGH SINDHU)**

**JUDGE**

***Whether speaking/ reasoned*** : **Yes / No**

***Whether reportable*** : **Yes / No**