



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

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**CRM-M No.58269 of 2024
Date of Decision:30.01.2025**

Didar Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Ms. Ajay Singh Pundir, Advocate
for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.166 dated 28.11.2017 registered under Sections 307, 354, 323 IPC at Police Station Sudhar, District Ludhiana Rural (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 23.10.2024 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners *inter alia* contends that the FIR (supra) was registered due to the matrimonial dispute between petitioner No.1 and respondent No.2 and now the dispute between the parties has been amicably settled and both of them are cohabiting together as husband and wife. Learned counsel places reliance upon Annexure A-1 and submits that respondent No.2 suffered no injury, rather, injury details recorded in the MLR



indicate that only swelling and pain has been complained along with two bruises. As such, *prima facie*, offence under Section 307 IPC is not made out, in view of the judgment passed by the Hon'ble Supreme Court of India in case of *The State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688*, wherein it has been held that once the factual ingredients breaching the threshold of Section 307 IPC are not made out, there is no embargo to quash the FIR (supra) on the basis of compromise.

3. Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

4. During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity of the compromise by this Court.

5. In compliance thereof, report dated 24.01.2025 from learned Addl. District and Sessions Judge, Ludhiana has been received through the office of District and Sessions Judge, Ludhiana, with statements of the parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

6. The Hon'ble Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* and Hon'ble Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.



7. An identical question came to be decided by Hon'ble Supreme Court in case ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543***. Having interpreted the relevant provisions, it was ruled as under:-

“57. 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 F.I.R. may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on 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 personnel in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 wrongdoer and whether to secure the ends of justice, it is appropriate that

