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216 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-45104-2024 (O&M)  
Date of decision: 21.03.2025

Sarbjit Kaur and another

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Sandeep Sharma, Advocate, for the petitioners.

Ms. Avneet, AAG, Punjab.

Mr. Manoj R. Sharma, Advocate for  
Mr. Bhupinder Banga, Advocate,  
for the respondent Nos.2 and 3.**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) praying for quashing of FIR No.125 dated 03.11.2021 (P-1), under Sections 323 and 325 read with Section 34 of the Indian Penal Code, 1860, (for short 'IPC') registered at Police Station Cantt. Jalandhar, District Police Commissionerate Jalandhar, along with all consequential proceedings arising therefrom on the basis of compromise dated 13.06.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3.

2. Allegations are that petitioners along with other co-accused in furtherance of their common intention inflicted injuries on the person of *de facto* complainant-Baljit Kaur and her daughter Bhupinder Kaur.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent Nos.2 & 3 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 consequential 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, while issuing notice of motion on 11.09.2024, passed the following order:-

*“The present petition has been filed seeking quashing of FIR No.125, dated 03.11.2021, under Sections 323, 325 and 34 of the IPC, registered at Police Station Cantt. Jalandhar, District Police Commissionerate, Jalandhar, and all the other consequential proceedings arising therefrom, on the basis of compromise dated 13.06.2024 (Annexure P-2).*

*Notice of motion.*

*Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1, and waives service.*

*Mr. Bhupinder Banga, Advocate, has caused appearance on behalf of respondents no.2 and 3, through a validly executed power of attorney in his favour. The same is taken on record. He submitted that he has no objection in case the FIR (supra) is quashed on the basis of compromise (supra).*

*In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

*It is made clear that complainant/private respondents should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.*

*To come up on 29.10.2024.*

*The State counsel is also directed to verify the factum of compromise by the date fixed.*

*A copy of this order be sent to the learned trial Court/Illaqa*



*Magistrate for compliance.”*

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 23.12.2024 has been received from learned Judicial Magistrate First Class, Jalandhar. For reference, the operative part of report reads as under:-

*“Hence, in these circumstances, from above statements, it is humbly submitted that:-*

*1) As per the statements of parties and Investigating Officer, there are only two persons namely Sarabjit Kaur and Avtar Singh arrayed as accused in the FIR.*

*2) Further, as per the statement of parties and Investigating Officer, none of accused has been declared proclaimed offender, in the present case.*

*3)As per the statement of Investigating Officer and as per office report, the case is fixed for prosecution evidence and an application under Section 311 read with Section 91 Cr.P.C was moved on behalf of the complainant and reply to the said application on behalf of accused persons has not been filed yet.*

*4) As per the statements of parties, it appears that the compromise is genuine, voluntary and without any coercion or undue influence.*

*5) As per statements of parties and Investigating Officer, there is only one victim namely Bhupinder Kaur daughter of Manjit Singh, in the present FIR.”*

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.



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11. 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.

21.03.2025

*Rajeev (rvs)*

(MAHABIR SINGH SINDHU)

JUDGE

*Whether speaking/ reasoned* : Yes / No

*Whether reportable* : Yes / No