



132

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

**CRM-M-41273-2024 (O&M)
Date of decision : 19.05.2025**

Lakhwinder @ Lakhwinder Singh and others ... Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Kiran Pal Singh, AAG, Haryana.

Ms. Kamlesh, Advocate for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.325 dated 24.07.2024 (P-1), under Sections 140(3) and 61 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Ram Nagar, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 26.07.2024 (P-2 & P-3), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3.

2. Allegations are that petitioners in connivance with each other abducted respondent No.3 who was sitting on the rear seat of two wheeler of *de facto* complainant/respondent No.2.



3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent Nos.2 and 3; hence FIR in question as well as consequential proceedings deserve to be quashed.
4. Learned counsel for respondent Nos.2 and 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 i.e. petitioners as well as respondent Nos.2 and 3.
6. Heard learned counsel for the parties and perused the paper-book.
7. The Co-ordinate Bench, while issuing notice of motion on 27.08.2024, passed the following order:-

“The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No.325 dated 24.07.2024 under Sections 140(3)/61 of Bharatiya Nyaya Sanhita, 2023 (BNSS), registered at Police Station Ram Nagar, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2) arrived at between the parties.

Notice of motion.

At the asking of the Court, Mr. Karan Sharma, DAG, Haryana, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.

Ms. Kamlesh, Advocate puts in appearance on behalf of respondent Nos.2 and 3 and filed Memorandum of Appearance. She seeks time to file Power of Attorney in the Registry. She affirmed the factum of compromise between the parties.



Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise by moving an application or presenting this order. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether challan is presented in the Court? If so, against how many accused;*
- (iii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iv) status/stage of the trial/case;*
- (v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.*

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 09.12.2024.

The petitioners shall deposit costs of Rs.7500/- with the District Legal Services Authority, Karnal on or before the date of recording of their statements and produce copy of receipt before the trial Court/Illaqa Magistrate.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 12.09.2024 has been received from learned Judicial Magistrate First Class, Karnal. For reference, the operative part of report reads as under:-

“1) Number of accused facing the trial is three namely Lakhwinder Singh, Balkar Singh, Hardeep Singh;



- 2) *In the present case challan was presented before the Court against the above said three accused persons.*
- 3) *Accused persons are not the proclaimed offender in the present case or in any other case;*
- 4) *The present case is at the stage consideration on charge.*
- 5) *The compromise affected between the parties is genuine, voluntary and out of free will of the parties.”*

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 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.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not involve 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 consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

19.05.2025

d.gulati

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No