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

**CRM-M-31098-2024 (O&M)
Date of decision : 18.03.2025**

Kriti Kumari Gupta and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhimanyu Kalsy, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. N.P. Bhardwaj, Advocate for
Mr. Rakesh Dhiman, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), praying for quashing of FIR No.0042 dated 19.05.2024 (P-1), under Section 381 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') (Sections 411 and 120-B IPC added later on), registered at Police Station Daresi, District Police Commissionerate Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 23.07.2024 (P-4), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners, in furtherance of their common intention have stole the goods from company of complainant and sold the same through online mode as well as in open market at lower rates, which caused loss to the complainant.



3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.
4. Learned counsel for respondent No.2 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 well as respondent No.2.
6. Heard learned counsel for the parties and perused the paper-book.
7. A Co-ordinate Bench on 22.08.2024, passed the following order:-

“The petitioner(s) filed petition under Section 482 Cr.P.C. for quashing of FIR No.0042 dated 19.05.2024, under Sections 381 and 34 of IPC (Sections 411 and 120-B of IPC added later on) registered at Police Station Daresi, District Police Commisisonerate Ludhiana (Annexure P-1) and all the subsequent proceedings arising there-from, qua the petitioners, in light of compromise/settlement dated 23.07.2024 effected between the parties (Annexure P-4).

Learned State counsel has filed short reply, which is taken on record. Learned counsel representing respondent No.2 confirmed the said compromise.

Let the statements of petitioners and respondent No.2 be recorded with regard to the compromise on or before 16.09.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the



same to this Court before the 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 the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

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

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 01.10.2024.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 21.09.2024 has been received from learned Judicial Magistrate First Class, Ludhiana. For reference, the operative part of report reads as under:-

“In view of statements given by parties following report is hereby submitted as desired by your goods self: -

1. It is respectfully submitted that as per record and statement of Investigating Officer, there are three accused persons namely Kriti Kumari Gupta, Vipin Kumar @ Vipin Chaudhary alias Vicky and Jatin Kumar alias Rahul and no accused has been declared proclaimed offender(s) and no other proceedings have been initiated or pending against them.

2. It is further respectfully submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily and with free will of parties.

3. It is further submitted that statement of Investigating Officer ASI Santokh Singh, No.2369/Ldh, P.S. Daresi, Ludhiana, regarding involvement of petitioner(s) in any other FIR recorded and as per the statement of Investigating Officer accused persons namely Kriti Kumar Gupta, Vipin Kumar @



Vipan Chaudhary @ Vicky and Jatin Kumar @ Rahul are not involved in any other FIR.

4. *It is respectfully submitted that as per record, no challan has been presented till date.”*

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.

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.

18.03.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No