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THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.55695 of 2024
Date of Decision: 11.09.2025

Harpreet Singh @ Rohit and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

***

Present: Mr. Pushp Jain, Advocate
for the petitioners.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Mr. Gurwant Singh, Advocate for
Mr. Shiv Parkash Sharma, Advocate
for respondents No.2 & 3.

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RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for quashing of FIR No.0049, dated 02.09.2023, under Sections 452, 323, 324, 427, 148, 149 of IPC, 1860, registered at Police Station Begowal, District Kapurthala along with all subsequent proceedings arising therefrom on the basis of compromise deed dated 22.10.2024 (Annexure P-2).

2. FIR in question was filed by complainant-respondent No.2 and the trial started thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from the Compromise Deed,

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annexed as Annexure P-2. On the basis of the compromise, the petitioners are invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question along with all subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 11.11.2024/21.05.2025 directed the parties to appear before the trial Court/Illaqa Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaqa Magistrate was also directed to send its report.

4. In pursuance to the same, learned Judicial Magistrate Ist Class, Bholath has sent the reports dated 18.12.2024/29.05.2025 to this Court. With the report, he has annexed the photocopy of statement of complainant/respondent No.2, namely, Manpreet Singh and injured/ respondent No.3, namely, Hapreet Singh recorded on 16.12.2024. He has annexed the photocopy of joint statement of accused-petitioners, namely, Harpreet Singh @ Rohit, Lovepreet Singh @ Raja, Jashanpreet Singh @ Akash, Harmanjit Singh, Manpreet Singh @ Ansh, Gurjot Singh, Manjot Singh @ Jyoti and Sandeep Singh recorded on 16.12.2024 and photocopy of statement of accused-petitioner No.9, namely, Arunpreet Singh @ Honey recorded on 28.05.2025. He has also annexed the photocopy of statement of ASI Arwinderjit Singh recorded on 17.12.2024. On the basis of the statements, learned Judicial Magistrate Ist Class, Bholath has concluded in the report that the compromise effected between the parties

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is genuine, voluntarilyy and without any kind of undue influence and coercion. It has further been mentioned that as per the statement of ASI Arwinderjit Singh, none of the parties are involved in the criminal case nor any PO proceedings are pending against them.

5. Learned counsel for the petitioners has submitted that petitioner No.8, namely, Sandeep Singh and accused, namely, Jhinjer are one and the same person.

6. However learned counsel for the State has also affirmed the same.

7. I have heard learned counsel for the parties, perused the record and the report sent by the learned Judicial Magistrate Ist Class, Bholath.

8. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

9. Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The Hon'ble Supreme Court in a number of cases including ***Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466;***

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B.S.Joshi and others vs **State of Haryana and another (2003) 4 Supreme Court Cases 675** followed by this Court in Full Bench case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052** have dealt with the proposition involved in the present case and settled the law.

10. Thereafter, Hon'ble Supreme Court in ***Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303*** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para 61 of the judgment reads 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 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*

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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 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 pre-dominatingly 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 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 criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the

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High Court shall be well within its jurisdiction to quash the criminal proceeding."

11. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the case would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of B.N.S.S.

12. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.0049, dated 02.09.2023, under Sections 452, 323, 324, 427, 148, 149 of IPC, 1860, registered at Police Station Begowal, District Kapurthala along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise deed dated 22.10.2024 (Annexure P-2). Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the Court below.

13. Petition stands allowed.

11.09.2025 **(RAJESH BHARDWAJ)**
rittu **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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