



292 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46010-2024
DECIDED ON: 21.10.2024

GURDEEP SINGH AND OTHERS
.....PETITIONERS
VERSUS
STATE OF PUNJAB AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Prince Goyal, Advocate,
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

- 1 The jurisdiction of this Court under Section 528 of BNSS, 2023 has been invoked seeking quashing of criminal complaint bearing No. COMI/52/2016 (Annexure P-1), dated 10.05.2016, under Sections 323, 324, 326, 148, 149, 459 and 458 IPC, titled as *“Inderjit Singh vs. Gurdeep Singh and others”*, with all subsequent proceedings arising therefrom on the basis of compromise dated 01.02.2023 (Annexure P-3)
2. In pursuance of order dated 16.09.2024, report dated 05.10.2024 has been received from Sub-Divisional Judicial Magistrate, Talwandi Sabo, District Bathinda.
3. From perusal of afore-said report, it is evident that Inderjit Singh-complainant initially reached a compromise with the accused, but they failed to



vacate the occupied land as agreed upon. The petitioner and his cousin Sukhveer Singh, claim that they have no knowledge of the present petition and explicitly express their desire not to quash the proceedings against the accused.

4. In view of above, this Court is of the view that since the present petition has been filed seeking quashing of FIR on the basis of compromise effected between the parties and now one party has resiled from the compromise, therefore, the present petition deserves to be dismissed being not maintainable. Moreover, compromise is an agreement between parties to end a legal disagreement without going to court and a consent decree is a judicially enforced agreement that creates an estoppel between the parties. A party to a compromise cannot resile from the compromise and claim a right that is inconsistent with the compromise.

5. In view of above, the present petition is dismissed.

21.10.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No