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

**CRM-M-3479-2025
CRM-M-8081-2025
Date of decision: 20.05.2025**

1.Dalvir Chand @ Dalbir Chand and others

....Petitioners

Versus

State of Punjab & another

...Respondents

&

2.Prem Pal @ Prem Lal and Ors.

...Petitioners

Versus

State of Punjab and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Karan Choudhary, Advocate
for the petitioners.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

Mr. Rajesh Kapila, Advocate for respondent No.2.

SANJAY VASHISTH. J.(Oral)

1. This order shall dispose of CRM-M-3479-2025 and CRM-M-8081-2025, as the same have emanated out of the same occurrence and prayer made therein is for quashing of criminal proceedings on the basis of compromise dated 07.01.2025, entered into between the affected parties.

2. It is a case of version and cross-version. Petitioners in CRM-M-3479-



2025 are seeking quashing of FIR No.0005 dated 05.02.2022 under Sections 336, 148, 149 of IPC and Section 25 and 27 of the Arms Act, 1959 registered at Police Station Purana Shalla, Police District Gurdaspur, Punjab (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise dated 07.01.2025 (Annexure P-2), whereas petitioners in CRM-M-8081-2025 are seeking quashing of DDR No.23 dated 15.04.2022, (Annexure P-2), under Sections 323, 325, 341, 148, 149 of IPC, registered at Police Station Purana Shalla, District Gurdaspur in FIR No.05, dated 05.02.2022 (Annexure P-1), under Section 336, 148, 149 IPC (Section 201 IPC was added lateron), Section 25, 27, 54, 59 Arms Act, Police Station Purana Shalla, District Gurdaspur , on the basis of compromise dated 07.01.2025 (Annexure P-3), arrived at between the parties.

3. When both the petitions came up for consideration before this Court, vide order(s) dated 05.04.2025 and 27.02.2025, passed in respective petitions, the affected parties were directed to appear before the learned trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise. The trial Court/Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

4. In compliance thereof, the affected parties did appear before learned Judicial Magistrate 1st Class, Gurdaspur, and got recorded their respective statements with regard to the compromise. Learned Court below sent its reports dated 09.05.2025 in CRM-M-3479-2025 and dated 11.04.2025 in CRM-8081-2025 in respective cases, alongwith statements of affected parties. Operative part of the said reports is as under:-

“Report in CRM-M-3479-2025

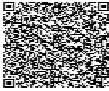


The affected parties were directed to appear before the learned Trial Court/Illaq Magistrate, on or before 28.04.2025 or on any other date convenient to the Court, for getting their respective statements recorded with regard to the compromise. Thereupon, the concerned Court shall submit a detailed report, containing the information on the following points, along with copies of the statements to this Court, on or before the adjourned date:-

Sr. No.	Information required
I.	7 persons arrayed as accused and there is no other person arrayed as accused/petitioner in this petition.
II.	Manpreet @ Bobby son of Roop Lal and Gaurav Samral son of Dharampal were earlier declared as innocent and they were summoned as additional accused under Section 319 CrPC vide order of court dated 22.10.2024. Sourav Katal @ Sourav son of Dalvir Chand @ Dalbir Chand, was declared as juvenile. Prem Lal @ Prem Pal son of Chaju Ram is the only complainant/victim of the present case.
III.	All the accused and complainant/victims are party to compromise & signed the same.
IV.	No affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court.
V.	No accused has been declared as proclaimed offender/person.
VI.	The compromise is genuine, voluntary, and without any coercion or undue influence.

Report in CRM-M-8081-2025

The affected parties were directed to appear before the learned Trial Court/Illaq Magistrate, on or before 20.03.2025 or on any other date convenient to the Court, for getting their respective statements recorded with regard to the compromise. Thereupon, the concerned Court shall submit a detailed report, containing the information on the following points, along with copies of the statements to this Court, on or before the adjourned date:-



Sr. No.	Information required
I.	Total 9 persons arrayed as accused and there is no other person arrayed as accused/petitioner in this petition. Ved Parkash @ Gopi son of Som Raj was found innocent during inquiry and challan against remaining 8 accused persons was presented. Even, application under Section 319 CrPC for summoning Ved Parkash as additional accused was also dismissed by Trial Court vide order dated 22.10.2024.
II.	Gaurav Katal son of Dalvir Chand @ Dalbir Chand is the only complainant and Dalvir Chand @ Dalbir Chand son of Som Raj and Sourav Katal son of Dalvir Chand @ Dalbir Chand are injured in the present case.
III.	All the accused and complainant/victims are party to compromise & signed the same.
IV.	No affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court.
V.	No accused has been declared as Proclaimed offender/person.
VI.	The compromise is genuine, voluntary, and without any coercion or undue influence.

5. Learned counsel for the private parties state that incident in the present case occurred on the spur of moment, over a trivial issue, and on the basis of version and cross version criminal proceedings were initiated against both the sides, who are neighbours and residents of same village. Due to intervention of the respectable and elderly people of the society, the matter has been resolved and private parties have effected a compromise dated 07.01.2025. At present, there remains no dispute amongst the private parties. Learned counsel further submits that in view of the compromise so effected between the private parties, pendency of the DDR No.23 dated 15.04.2022, dated (Annexure P-2), under Sections 323, 325, 341, 148, 149 of IPC, registered at Police Station Purana Shalla, District Gurdaspur in FIR No.05, dated 05.02.2022 (Annexure P-1), under Section 336, 148, 149 IPC (Section 201 IPC was added lateron), Section 25, 27, 54, 59 Arms



Act, Police Station Purana Shalla, District Gurdaspur and consequential proceedings emanating therefrom would be sheer abuse of the process of law.

6. Learned counsel for the State after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if criminal proceedings are quashed on the basis of the compromise.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. The Full Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, has observed as under:-

“(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice”.

*(29) In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others**, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power



under Section 482 of the Cr.P.C.

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery."*

9. The said legal principles were also approved by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**, (2012) 10 SCC 303. Furthermore, broad principles for exercising the powers under Section 482 were summarized by Hon'ble the Supreme Court in the matter of **Parbatbhai**



Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641.

10. Hon'ble the Supreme Court has held in **Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834**, that matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of Hon'ble the Supreme Court is extracted as under:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

11. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel that pendency of the present criminal litigation would be abuse of process of law since chances of conviction of accused persons



are bleak in view of the compromise so effected between the private parties.

12. The report alongwith statements of the affected parties received from learned Court below would reveal that the aggrieved persons have genuinely effected a compromise and they have no objection if the impugned criminal proceedings are quashed.

13. Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)**, **Ramgopal (supra)** and **Kulwinder Singh (supra)**, these petitions are allowed. Consequently, DDR No.23 dated 15.04.2022, dated (Annexure P-2), under Sections 323, 325, 341, 148, 149 of IPC, registered at Police Station Purana Shalla, District Gurdaspur in FIR No.05, dated 05.02.2022 (Annexure P-1), under Section 336, 148, 149 IPC (Section 201 IPC was added lateron), Section 25, 27, 54, 59 Arms Act, Police Station Purana Shalla, District Gurdaspur and all subsequent proceedings arising therefrom, are hereby quashed, in view of compromise dated 07.01.2025.

14. Both the petitions stand disposed of accordingly.

15. A copy of this order be also placed on the file of the connected petition.

20.05.2025
Poonam

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No