

**CRM-M-10752-2025(O&M)****1**

264

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-10752-2025(O&M)**

Date of Decision : 11.08.2025

RAJESH TIWARI

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Jaskaran Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of GD/Cross case No.14 dated 14.11.2024, under Sections 298 and 115(2) of BNS in FIR No.237 dated 12.11.2024, under Sections 109, 74, 115(2), 351(1), 351(3) of BNS, registered at Police Station Division No.6, District Police Commissionerate Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise dated 20.11.2024 (Annexure P-3) effected between the parties.

2. Heard learned counsel for the parties and also gone through the case file.

3. This Court while issuing notice of motion vide order dated 22.07.2025, directed the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise. The said order read as thus:



“Prayer in this petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of GD/Cross case No.14 dated 14.11.2024, under Sections 298 and 115(2) of BNS in FIR No.237 dated 12.11.2024, under Sections 109, 74, 115(2), 351(1), 351(3) of BNS, registered at Police Station Division No.6, District Police Commissionerate Jalandhar, on the basis of compromise dated 20.11.2024 (Annexure P-3).

2. Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the instant case. It is a case of version and cross-version registered pertaining to a dispute which arose between the parties. Learned counsel further submits that the matter now stands compromised between parties and thus, on the basis of the compromise dated 20.11.2024, the instant case may be quashed. It is further submitted that a similar petition, CRM-M-9654-2025 has been filed for quashing of the FIR filed by the petitioner against respondent No.2.

3. Learned counsel for the respondent No.2 admits to the factum of compromise entered into between parties and submits that there would be no objection if the present case is quashed qua the petitioner on the basis of the said compromise.

4. Heard learned counsels and perused the judicial file.

5. A perusal of the case file reveals that with the intervention of respectable members of the society, the dispute which arose due to issue over parking, stands compromised and both the parties have prayed for quashing of the cross cases on this basis. A similar petition, CRM-M-9654-2025 has been filed for quashing of the FIR filed by the petitioner against respondent No.2.

*6. In view of the aforesaid, the parties and the Investigating Officer are directed to appear before the Ilaqa Magistrate/Trial Court on **31.07.2025** or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Ilaqa Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-*

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*
- 7. Report of the Ilaqa Magistrate/Trial Court be awaited for 11.08.2025.”*

4. Pursuant to the aforesaid order, report dated 07.08.2025 has been received from the Chief Judicial Magistrate, Jalandhar. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and



they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

5. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

6. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. 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.

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7. In view of the afore-referred judgments and after perusing the report of the trial Court regarding amicable settlement between the petitioner and the complainant, this Court finds that quashing the FIR will accord a quietus to all

**CRM-M-10752-2025(O&M)****4**

disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and GD/Cross case No.14 dated 14.11.2024, under Sections 298 and 115(2) of BNS in FIR No.237 dated 12.11.2024, under Sections 109, 74, 115(2), 351(1), 351(3) of BNS, registered at Police Station Division No.6, District Police Commissionerate Jalandhar and all other consequential proceedings arising therefrom are quashed qua petitioner on the basis of compromise dated 20.11.2024 (Annexure P-3) ***subject to the costs of Rs. 20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within one month.***

Pending application(s), if any, also stands disposed of accordingly.

11.08.2025

Kavita

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No