



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

CRM-M-10413-2025

Decided on :19.05.2025

Dilbagh Singh @ Dilbag Singh and another

.... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.J.S.Jaidka, Advocate for
Mr. Naresh Kalia, Advocate, for the petitioners.

Mr.Raj Karan Singh, AAG, Punjab.

Mr. Lovepreet Singh, Advocate, for respondent No.2.

Rajesh Bhardwaj, J.(Oral)

1. Prayer in the present petition is for quashing of the FIR No.262 dated 03.12.2018 under Sections 420, 427, 447, 448, 467, 468, 471, 120-B IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom including the judgment of conviction and sentence passed vide order dated 30.04.2024 passed by learned JMIC, Ludhiana, on the basis of compromise dated 27.01.2025 (Annexure P-5).

2. Brief facts of the present case are that FIR was registered on the complaint filed by Pal Singh (since deceased) and Jarnail Singh. It was alleged that complainant Pal Singh and accused Bant Singh are real brothers and they jointly purchased property measuring 200 sq. Yards to the extent of 1/2 share each vide registered sale deed bearing Vasika No.10715 dated 25.07.1990 and mutation of the said property was also sanctioned in favour of Pal Singh and Bant Singh in the revenue record. Thereafter, till March 2018, both the parties were residing in their respective shares and complainant Pal Singh with his family was also residing in village Khatra



Chohram, at his back, accused Bant Singh alongwith co-accused demolished a part of the intervening wall of the said property to which the complainant objected. Thereafter, complainant Pal Singh received notice from the Court of Civil Judge (Jr. Divn.), Ludhiana and came to know that accused Bant Singh filed a suit for declaration and permanent injunction in respect of the said property claiming himself owner of the property. After inspection of the file, he also came to know that accused Bant Singh in connivance with co-accused allegedly executed the sale deed in his favour on the basis of forged and fabricated documents. Even fathers' name and addresses of the attesting witnesses were also not mentioned in the executed sale deed. Thus, request was made to take legal action against the accused for hatching a criminal conspiracy and committing forgery with the complainants. Thus the FIR was registered and the investigation commenced. During the investigation, accused Baljit died. On the conclusion of the trial, accused Bant Singh and Dilbagh Singh, i.e. the petitioners were convicted and sentenced under Sections 420, 467, 468, 471 read with Section 120-B and Section 447 IPC for three years rigorous imprisonment by the trial Court vide its order dated 30.04.2024. The accused-petitioners challenged the same by filing their independent appeals before the learned Sessions Court at Ludhiana and the same are pending adjudication. During pendency of the appeals, good sense prevailed and with the intervention of the respectables, the parties entered into a compromise and decided to bury the hatchet. The petitioners approached this Court by way of filing the present petition for quashing of the FIR and



consequent proceedings arising therefrom on the basis of the compromise arrived at between the parties.

3. Learned counsel for the petitioners submits that the prosecution of the petitioners is nothing but an abuse of the process of the Court. He submits that though the petitioners have already been convicted by the Court of competent jurisdiction, however, during the pendency of the appeal before the Sessions Court, the parties have arrived at a compromise and respondent No.2 does not want to prosecute the petitioners any more. Thus, the FIR along with all consequential proceedings alongwith judgment and conviction order dated 30.04.2024 passed by the learned Judicial Magistrate Ist Class, Ludhiana may kindly be quashed.

4. Learned counsel for respondent No.2 has affirmed the submissions made by counsel for the petitioners and thus, he has submitted that the inter-se dispute between the parties is resolved amicably. Hence, he has no objection, if the FIR alongwith consequential proceedings are quashed.

5. This Court vide order dated 24.02.2025 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

6. In pursuance to the same, learned Judicial Magistrate Ist Class, Ludhiana has sent the report dated 01.04.2025 to this Court. With the report, she has annexed the photocopy of statement of complainant-respondent No.2, namely, Jarnail Singh and joint statement of the



petitioners, namely, Dilbagh Singh @ Dilbag Singh and Bant Singh recorded on 17.03.2025 and statement of ASI Harbans Singh. On the basis of the statements, learned Judicial Magistrate Ist Class, Ludhiana has concluded in the report that the compromise arrived at between the parties is genuine, voluntary and out of free will of the parties and is not result of fraud or misrepresentation. It has further been mentioned in the report that there are only two accused in the FIR i.e. the present petitioners. It has further been mentioned that neither the accused have been declared proclaimed offender nor they are involved in any other case.

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

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. Hon'ble Supreme Court in '**Ramgopal and another vs. State of Madhya Pradesh**', **2021(4) RCR (Criminal) 322** has held as under:

“13. *It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of*



*applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C., 1973 would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh & Ors. v. State of Punjab & Ors.*, (2014) 6 SCC 466 and *Laxmi Narayan (Supra)*.*

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- 19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C., 1973 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., 1973 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.”

10. 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; 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.

11. 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 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-dominantly 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 High Court shall be well within its jurisdiction to quash the criminal proceeding.”

12. 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.

13. 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.262 dated 03.12.2018 under Sections 420, 427, 447, 448, 467, 468, 471, 120-B IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom including the judgment of conviction and sentence passed vide order dated 30.04.2024 passed by learned JMIC, Ludhiana are hereby quashed qua the petitioners on the basis of compromise (Annexure P-5).

14. The appeal pending before the learned Appellate Court would



automatically stands infructuous.

15. 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.

16. Petition stands allowed.

19.05.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No