



CRM-M-8825-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8825-2025(O&M)

Date of Decision : 28.04.2025

VINOD BHANDARI AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sumit Sharma, Advocate
for the petitioners.

Ms. Aakanksha Gupta, AAG Punjab.

Mr. Ashwani Bhardwaj, Advocate for respondents No.2 and 7.

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.46, dated 18.07.2024, registered under Sections 109, 115(2), 118(1), 126(2), 75, 351(2)(3), 191(3) and 190 of BNS Act (Earlier 307, 323, 324, 341, 354, 506, 148 and 149 of IPC) registered at Police Station Nayagaon and all other consequential proceedings arising therefrom on the basis of compromise dated 30.01.2025 (Annexure P-10) effected between the parties.

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

3. This Court while directing the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise, passed the following order on 19.03.2025:-

“Prayer in this petition filed under Section 528 BNSS is for quashing of the FIR No.46 dated 18.07.2024, under Sections 109, 115 (2), 118 (1), 126 (2), 75, 351 (2) (3), 191 (3) and 190 of BNS Act (Earlier 307, 323, 324, 341, 354, 506, 148 and 149 of IPC) registered at Police Station Nayagaon along with all the



subsequent proceedings arising therefrom, on the basis of compromise dated 30.01.2025 (Annexure P-10).

2. Learned counsel for the petitioners inter alia submits that the petitioners have been falsely implicated in the instant case. He contends that FIR in the present case was filed after a delay of 03 days from the date of occurrence. He further submits that only respondents No.4 to 6 sustained injuries, all of which are simple in nature, as can be discerned from a perusal of their MLRs (Annexures P-6 to P-8), a fact which also finds mention in the challan presented against the petitioners. Learned counsel further submits that the matter now stands compromised between parties and thus, on the basis of the compromise dated 30.01.2025, the FIR in the instant case may be quashed. To buttress his submissions, he places reliance on the judgments passed by Coordinate Benches of this Court in **Baljeet Singh and Others Vs. State of Punjab and Another** in CRM-M-41683-2023, decided on 15.01.2025 & **Didar Singh and Others Vs. State of Punjab and Another** in CRM-M-47205-2024, decided on 15.01.2025.

3. Learned counsel for the private respondents admits to the factum of compromise entered into between parties and submits that there would be no objection if the present FIR is quashed qua the petitioners on the basis of the said compromise.

4. Learned State counsel though does not controvert the factum of the compromise between the parties, however, she submits that keeping in view the seriousness of the allegations, the present petition be dismissed.

5. Heard learned counsels and perused the judicial file.

6. At the outset, it would be apposite to mention that no doubt offence under Section 109 BNS falls in the category of heinous offences and therefore is to be generally treated as a crime against the society, however, a mere mention of the said provision does not bar quashing of the case on the basis of compromise if the offence is not made out from the allegations. This legal dictum was recently reiterated by the Hon'ble Supreme Court in **Naushey Ali and Others Vs. State of U.P. and Another** in Criminal Appeal No.669 of 2025, wherein it was observed that:-

“12. Coming back to Laxmi Narayan (supra), this Court has held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries

are inflicted on the vital/ delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial.

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20. We are also inclined to conclude that considering the overall circumstances, the nature of the weapon and the nature of the injury (fracture of the head of distal phalanx of left ring finger), the offence alleged, on facts, does not fall in that category of cases where the court should deny relief in the event of a settlement. At the highest, the offence alleged could be one under Section 326 of IPC. It could not be said, on facts, considering all the circumstances that this is a crime which has such a harmful effect on the public and that it has the effect of seriously threatening the well-being of the society. We make it clear that we are saying so on the facts of the present case. We are also firmly of the opinion that proceeding with the trial, when parties have amicably resolved the dispute in the present case, would be futile and the ends of justice require that the settlement be given effect to by quashing the



proceedings. It would be a grave abuse of process to let this trial remain pending under the above circumstances, particularly when the dispute is settled and resolved.”

7. *Reverting to the case at hand, the injuries suffered by respondents No.4 to 6 were blunt force injuries and even in the challan presented against the petitioners, the injuries attributed to the respondents No.4 to 6 are recorded as being simple in nature.*

8. *The comments noted by District Attorney are also reproduced hereunder:-*

“Challan put up today by ASI Rameshwar Dass for further checking. As per IO, possible compliance has been made and nothing more can be done to improve the same. The injuries and injured are simple in nature. Evidence regarding the offence attempt to commit to murder is very weak. Recovery of weapons not effected. It is a weak case. Chances of success are very remote. Let the challan be put in the Court for judicial verdict.”

9. *In view of the aforesaid, the parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on **01.04.2025** or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area 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.*

10. *Report of the Area Magistrate/Trial Court be awaited for 28.04.2025.”*

4. Pursuant to the aforesaid order, report dated 08.04.2025 has been received from the Additional District and Sessions Judge, SAS Nagar (Mohali). 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 prosecution 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, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all 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 FIR No.46, dated 18.07.2024, registered under Sections 109, 115(2), 118(1), 126(2), 75, 351(2)(3), 191(3) and 190 of BNS Act (Earlier 307, 323, 324, 341, 354, 506, 148 and 149 of IPC) registered at Police Station Nayagaon and all other consequential proceedings arising therefrom are quashed qua petitioners on the basis of compromise dated 30.01.2025 (Annexure P-10) ***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.

28.04.2025

Kavita Nain

**(KIRTI SINGH)
JUDGE**

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