

2025:PHHC:068674



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

**CRM-M-12566-2023
DECIDED ON: 21.05.2025**

PARAMJIT SINGH @ KAKA**.....PETITIONER****VERSUS****STATE OF PUNJAB AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. K.S. Brar, Advocate for the petitioner.
Mr. Sandeep Singh, AAG Punjab
Mr. Gagandeep Singh Simble, Advocate
for respondents No.2 to 6.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.75 dated 08.04.2018 under Sections 353/186/332/506/149 of IPC, registered at Police Station City Faridkot, District Faridkot and all other consequential proceedings arising therefrom, on the basis of compromise dated 25.01.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 23.03.2023, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 19.04.2023 has been received from Judicial Magistrate 1st Class, Faridkot, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

However, this Court cannot ignore the fact that the present complainant is a public servant and therefore, cannot enter into compromise, but this

question stands by the Division Bench of this Court in “**Vinod @ Boda and others vs. State of Haryana and another**”, wherein it was held as under:

We have perused the reference made by the learned Single Judge and are of the view that there is an inadvertent mistake in formulating the reference, so we re frame the question to be answered by us which reads as under:-

“Whether the offences under [Sections 353 186 and 332](#) of the Indian Penal Code against the accused-petitioners can be quashed on the basis of compromise with the complainant- public servant”?

“The magnitude of inherent jurisdiction exercisable by the High Court with a view to prevent the abuse of law or to secure the ends of justice, is wide enough to include its power to quash the proceedings in relation to the non-compoundable offences including the ones involved in the present case notwithstanding the bar under [Section 320CrPC](#). Such a power, in our considered view, is exercisable by the High Court in all those circumstances where the conclusion of trial would ultimately result into futility.

In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the ‘society’ observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it. For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under [Section 482CrPC](#) are wide enough, though to be exercised sparingly and judiciously,

and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.

Consequently, in the facts and circumstances of this case and for the reasons aforesaid, we allow this petition. FIR No. 13, dated 13.10.2010, under [Sections 148, 149, 332, 353, 186, 506](#) of the Indian Penal Code, registered at Police Station Titram, District Kaithal, and all the criminal proceedings arising out of the said FIR stand quashed.”

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“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 noncompoundable 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.

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 parameters 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.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'**. Furthermore, the broad principles for exercising the powers under Section 482 (now Section 528 of BNSS) were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641'**.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

Having heard learned counsel for the parties and on scientific and mechanical examination of the material, this Court has convincingly reached to the conclusion that FIR No.75 dated 08.04.2018 under Sections 353/186/332/506/149 of IPC, registered at Police Station City Faridkot, District Faridkot a, with all the consequential proceedings arising therefrom, is quashed qua the petitioner, on the basis of compromise dated 25.01.2023 (Annexure P-2).

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

21.05.2025

Sham/Meenu

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