



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

281

CRM-M-36602-2025
Date of decision: 11.09.2025

RAJ SOOD AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Prashant Bansal, Advocate
for the petitioners.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.101 dated 03.06.2024 registered under Sections 447, 511, 379, 506 and 120-B of IPC at Police Station City Rajpura, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 02.07.2025 (Annexure P-2) effected between the parties.

2. Learned counsel for the petitioners contends that the matter in question relates to the property dispute amongst the parties and the FIR has been lodged at the instance of respondent No.2 against the petitioners.

**CRM-M-36602-2025**

-2-

However, with the intervention of the respectables from both the sides, the matter has been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

3. Pursuant to the order dated 15.07.2025, report has been received from the Judicial Magistrate, 1st Class, Rajpura vide Memo No. 1110 dated 27.08.2025. The relevant extract of the report reads thus:-

1. As per the statement of Investigating Officer present FIR no. 101 dated 03.06.2024 was registered against 6 persons out of which three accused were specifically named i.e. accused Raj Sood w/o Nirmal Kumar Sood @ Nirmal Sood, Nirmal Kumar Sood @ Nirmal Sood s/o Hari Chand Sood @ Lala Hari Chand and Bhim Sain Sood @ Bhim Sood and there were three unknown persons against whom the present FIR was registered.

2. The present petition CRM-M-36602-2025 has been filed by three accused persons namely Raj Sood w/o Nirmal Kumar Sood @Nirmal Sood, Nirmal Kumar Sood @ Nirmal Sood s/o Hari Chand Sood @ Lala Hari Chand and Bhim Sain Sood @ Bhim Sood.

3. As per statement of Investigation Officer, accused Raj Sood w/o Nirmal Kumar Sood @Nirmal Sood, Nirmal Kumar Sood @ Nirmal Sood s/o Hari Chand Sood @ Lala Hari Chand and Bhim Sain Sood @ Bhim Sood have not been declared as Proclaimed offender in this case and except the present FIR there is no other criminal case/FIR is pending against the said accused persons.



4. *In view of statements of complainant Ramesh Kumar s/o Nathu Ram, victims, Manmohan Kumar s/o Mahinder Nath Mehta and Krishan Juneja s/o Gobind Ram Juneja and accused persons Raj Sood w/o Nirmal Kumar Sood @ Nirmal Sood, Nirmal Kumar Sood @ Nirmal Sood s/o Hari Chand Sood @ Lal Hari Chand and Bhim Sain Sood @ Bhim Sood compromise arrived between them appears to be genuine, voluntary, result of free will of the parties and not the result of any coercion or undue influence or misrepresentation.*

5. *As per statement of Investigation Officer, accused Raj Sood w/o Nirmal Kumar Sood @ Nirmal Sood, Nirmal Kumar Sood @ Nirmal Sood s/o Hari Chand Sood @ Lala Hari Chand and Bhim Sain Sood @ Bhim Sood there is no other criminal case/FIR is pending against the said accused persons.*

6. *As per statement of Investigation Officer, there are two victims in the present FIR namely Manmohan Kumar s/o Mahinder Nath Mehta and Krishan Juneja s/o Gobind Ram Juneja and one complainant namely Ramesh Kumar s/o Nathu Ram.*

7. *As per statement of Investigation Officer Ramesh Kumar is the complainant and Manmohan Kumar s/o Mahinder Nath Mehta and Krishan Juneja s/o Gobind Ram Juneja are victim and they have been impleaded in the present petition.”*

4. A perusal of the aforesaid report shows that compromise has been effected voluntarily between the parties and is genuine and without coercion or any undue pressure.



5. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

6. Mr. Sandeep Sharma, Advocate, appears on behalf of respondents No. 2 to 4 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7. The Full Bench of this Court in the matter of “***Kulwinder Singh and others versus State of Punjab and another***” reported as (***Punjab and Haryana High Court***) : 2007 (3) RCR (Criminal) 1052 has been 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 Ors.**, 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 everlasting 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.

8. The legal principles as laid down for quashing of the FIR 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'**. Still further, the broad principles for exercising the powers under Section 482 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'.

9. 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. Besides, merely because there are other FIRs against the



petitioners, it should not act as a bar against amicable resolution of the dispute.

10. The Hon'ble Supreme Court has held in the matter of **'Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834'**, that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of the Hon'ble 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. The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS:-

- i) A mutual settlement has been reached between the parties and the first party does not want to take any legal action against the second party.
- ii) The petitioner No.1 and 2 are residing in Canada and are about 77 years and 85 years old respectively and petitioner No.3 is residing at Delhi and is about 64 years old and continued incarceration in criminal proceedings would only be a harassment to the petitioners at the fag end of their life;
- iii) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;
- iv) Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to subserve any large public interest;
- v) The proceedings are likely to end in futility for want of parties to support the case of the prosecution;
- vi) No larger public purpose would be served by continuation of the proceedings;
- vii) Continuation of the proceedings is likely to be a waste of judicial time. The object of law is well served when the parties



CRM-M-36602-2025

-9-

resolve their differences and choose to peacefully co-exist and live in harmony.

12. In view of the report of the Judicial Magistrate, 1st Class, Rajpura and the principles laid down by the Apex Court in **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, as well as **Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834** and also by the Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, the instant petition is allowed. The aforesaid FIR No.101 dated 03.06.2024 registered under Sections 447, 511, 379, 506 and 120-B of IPC at Police Station City Rajpura, District Patiala and all other consequential proceedings arising therefrom **are hereby quashed** qua the petitioners in view of compromise dated 02.07.2025 (Annexure P-2). However, the same would be subject to payment of costs of **Rs.10,000/-** to be deposited by each of the petitioners with the Punjab Chief Minister Relief Fund, Account No.001934001000589, Punjab State Co-op. Bank, IFSC: TPSC0000019 within a period of two months from receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 11, 2025
Vishal Sharma

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