



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-38593-2025 (O&M)

Date of decision: 27.08.2025

Tarsem Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

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

Present :- Ms. Kirat Pal Dhaliwal, Advocate for the petitioners.

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

Ms. Priyanka Malik, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. This is the second petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the FIR No. 104 dated 24.06.2022, registered under Sections 452, 380, 365, 342, 506 and 149 of Indian Penal Code, 1860 (hereinafter to be referred as 'IPC') at Police Station Gharinda, District Amritsar and all subsequent proceedings arising out of the same, on the basis of compromise dated 08.07.2022 (Annexure P-2). The first petition was dismissed as withdrawn on 16.07.2025.

2. As per the allegations in the FIR, the complainant had kept about 35 goats, which he alongwith his father used to graze. He also claims to have about 18 tola gold which was lying at home which he had mortgaged before Muthoot Finance, Amritsar. It is submitted that he redeemed the aforesaid gold on 08.06.2022 and at about 5.30/6.00 p.m. on 09.06.2022, he alongwith his father had come back home, the accused persons (petitioners herein) came to their home wearing the uniform of Punjab Police and they



started searching the premises. They decamped with the aforesaid gold and a sum of Rs.80,000/- which was kept in the *almirah*. The instant petition was filed on the ground that the allegations were levelled under misunderstanding and that the same have already been resolved. They claim the identity of the petitioners herein was disputed and submitted that the matter has been resolved out of free will.

3. The case was taken up for hearing on 22.07.2025 by this Court and the parties were directed to appear before the learned trial Court/Illaq Magistrate on the said date by this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

4. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Amritsar vide Memo No. 131 dated 08.08.2025. The relevant extract of the report is reproduced as under:-

“It is most humbly submitted that the Hon'ble Punjab and Haryana High Court vide order dated 22.07.2025, directed the parties to appear before the Illaq Magistrate/Trial Court within a period of two weeks for getting their respective statements recorded. The court was directed to send the same alongwith its report before next date of hearing. In compliance of order dated 22.07.2025 an application for recording statements of parties was moved on 31.07.2025 before the Court of undersigned. Thereafter, on that date complainant as well as accused persons appeared before the Court of



undersigned and suffered their respective statements. Statement of investigating officer was also recorded on 06.08.2025. Out of the statements of the parties statement of the investigating officer, it appears that all the affected parties have entered into a compromise and the said compromise is found to be voluntarily and valid compromise has been effected without any kind of undue influence or coercion. Further, on the basis of statements of the parties and the Investigating Officer, it can be concluded that:-

- 1. As per the statement of the IO, There are only five accused involved in the present case namely Tarsem Singh, Baldev Singh, Waryam Singh, Nishanpreet Singh @ Nishan Singh Dhillon and Sunil Sharma and the above named accused are not proclaimed offenders in this case. The accused are not involved in any other case except the present case. There is only one complainant in the present case namely Hardev Singh @ Debu.*
- 2. As per the statement of the IO, none of the abovesaid accused has been declared proclaimed offender.*
- 3. As per statement of complainant and accused persons it is clear that the compromise is genuine, voluntarily and without any coercion or undue influence.”*
- 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. Learned counsel appearing on behalf of respondent No. 2 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 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 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.

8. 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 SCC303**'. 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.

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



extraordinary 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 of BNSS:-

- i) The instant FIR relates to bitter relations of the complainant on account of previous enmity.*
- ii) The petitioner No.1 to 5 are of 40, 56, 53, 36 and 37 years of age respectively and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligation as well as in their work place.*
- iii) The FIR in question pertains to the year 2022.*
- iv) The offence in question cannot be said to be heinous or as*



an offence that would shock the conscious of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

- v) *Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to sub- serve any larger public interest;*
- vi) *The proceedings are likely to end in futility for want of parties to support the case of the prosecution;*
- vii) *No larger public purpose would be served by continuation of the proceedings;*
- viii) *Parties do not suffer any criminal antecedents and have not indulged in any such or similar case during the pendency of the case or after registration of the FIR.*
- ix) *The complainant is not likely to support the case of the prosecution. Continuation of the proceedings is likely to be a waste of judicial time. The object of law is well served when the parties 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, Amritsar and the principles laid down by the Apex Court in '**Gian Singh Vs. State of Punjab and others**' reported as (2012) 10 SCC 303, as well as '**Ramgopal And Another Vs State of Madhya Pradesh**' reported as 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**, reported as 2007(3)



RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR No. 104 dated 24.06.2022, registered under Sections 452, 380, 365, 342, 506 and 149 of Indian Penal Code (hereinafter to be referred as ‘IPC’) at Police Station Gharinda, District Amritsar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners on the basis of compromise dated 08.07.2022 (Annexure P-2). However, the same would be subject to payment of costs of Rs.10,000/- each to be deposited by each petitioner with the “District Legal Services Authority, Amritsar”, within two months from receipt of certified copy of this order, failing which, the instant petition deems to be dismissed.

13. Petition is **allowed**.

(VINOD S. BHARDWAJ)
JUDGE

27.08.2025

Mangal Singh

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