



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

266

CRM-M-48379-2025
Date of decision: 13.10.2025

KANWAR PAL SINGH @ KANWAR PAL SINGH GILL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

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

Present: - Mr. A.P. Kaushal, Advocate
for the petitioner.

Ms. Savi Nagpal, Asst. A.G. Punjab.

Ms. Pallavi Bahre, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.108 dated 13.04.2025 under Sections 318(4), 341(2) of the BNS Act, 2023 at Police Station Kharar, District SAS Nagar Mohali along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.08.2025 (Annexure P-2).



CRM-M-48379-2025

-2-

2. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 01.09.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

3. Pursuant to the said order, report has been received from the Judicial Magistrate, 1ST Class, Kharar vide Memo No.176 dated 23.09.2025.

The relevant extracted of the report is reproduced as under:-

“Both the parties i.e. complainant Harpreet Singh son of Major Singh and accused Kanwarpal Singh @ Kanwar Pal Singh Gill son of Harjeet Singh Gill have appeared before this Coun in compliance with the Order dated 01.09.2025 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh.

Statement of complainant Harpreet Singh son of Major Singh has been recorded whereby he stated that the present FIR bearing No.108 dated 13.04.2025 under Sections 318 (4), 341(2) of BNS registered at PS Kharar District SAS Nagar has been registered on his statement against the accused Kanwarpal Singh @ Kanwar Pal Singh Gill, aged about 32 years, Son of S. Harjeet Singh Gill, resident of Village Naraingarh Bhangali Kalan, District Ferozpur. Now with the intervention of the respectable persons of the society, he has compromised the matter with the aforesaid accused. Now they have no grudge against each other. The said compromise is genuine, voluntary and without any coercion or undue influence from any corner. In future, he shall not take any further action against the aforesaid accused Kanwarpal Singh in the present FIR. He has no objection if the present FIR may be quashed against the aforesaid accused. Copy of his Aadhar card is Mark A.



Statement of the accused Kanwarpal Singh @ Kanwar Pal Singh Gill son of Harjeet Singh Gill has also been recorded whereby he stated that the present FIR bearing No.108 dated 13.04.2025 under Sections 318 (4), 341(2) of BNS registered at PS Kharar District SAS Nagar has been registered against him on the statement of the complainant Harpreet Singh Son of Major Singh. resident of House No.172-A, GTB Nagar, Kharar Tehsil, Kharar District SAS Nagar. Now with the intervention of the respectable persons of the society, he has compromised the matter with the aforesaid complainant Harpreet Singh. Now they have no grudge against each other. The said compromise is genuine, voluntary and without any coercion or undue influence from any corner. Copy of Aadhar Card is Mark B.

Statement of Investigating Officer SI Balvinder Singh has also been recorded whereby he stated that he is the investigating officer of the present FIR no.108 dated 13.04.2025, under Sections 318 (4), 341(2) of BNS Act, P.S. Sadar Kharar registered by the complainant Harpreet Singh son of Major Singh against the accused Kanwarpal Singh @ Kanwar Pal Singh Gill son of S. Harjeet Singh Gill. There is only one accused namely Kanwarpal Singh @ Kanwar Pal Singh Gill arrayed in the present FIR. There is only one complainant/victim namely Harpreet Singh son of Major Singh. Accused named above has never been declared as proclaimed offender in the present FIR.

The undersigned has carefully gone through the statements got recorded by complainant and accused and it appears from the statements of the parties that the compromise is genuine voluntary and without any coercion or undue influence.



Further from the statement of Investigating Officer SI Balvinder Singh, it appears that in the present FIR there is only one accused involved namely Kanwar Pal Singh @ Kanwar Pal Singh Gill and there is only one complainant/victim namely Harpreet Singh. All the accused and complainant/victim are the party to the present compromise and they signed the same. From the statement of the IO it also appears the accused has never been declared as proclaimed offender/persons and no such proceedings have been initiated against him. Accordingly, the report is submitted.”

4. 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.

5. Ms. Pallavi Bahre, Advocate, appears on behalf of respondent No. 2 and reiterates the settlement and her concurrence to the FIR and all the other consequential proceeding being quashed.

6. 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 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.

7. 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



CRM-M-48379-2025

-7-

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'.

8. 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.

9. 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.

10. 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 the BNSS, 2023:-

- i) That it is alleged that due to some misunderstanding between the parties, the name of the petitioner arrayed in the above said FIR.
- ii) No heinous offence was committed in the incident and no serious or grievous injury was sustained by any of the parties.
- iii) That the petitioner happens to be in his early thirties and continued incarceration of the petitioner is likely to cause severe repercussions to the petitioner in discharge of his social obligations as well as at his work place.
- iv) 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;
- v) Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to subserve any large public interest;



CRM-M-48379-2025

-9-

- vi) No larger public purpose would be served by continuation of the proceedings;
- vii) Petitioner does 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.
- viii) 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.

11. In view of the report of the Judicial Magistrate, 1ST Class, Kharar and the principles laid down by the Apex Court in **Gian Singh Vs. State of Punjab and others (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.108 dated 13.04.2025 under Sections 318(4), 341(2) of the BNS Act, 2023 at Police Station Kharar, District SAS Nagar Mohali and all consequential proceedings arising therefrom **are hereby quashed** qua the petitioner in view of compromise dated 21.08.2025 (Annexure P-2). However, the same would be subject to payment of costs of **Rs.10,000/-** to be deposited by the petitioner with the Punjab Chief Minister Relief Fund, Account No.001934001000589, Punjab State Co-op. Bank,



CRM-M-48379-2025

-10-

IFSC: TPSC0000019, within two months from receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 13, 2025
Vishal Sharma

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