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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:170027



CRM-M-49544-2025 (O&M)

Date of decision: 04.12.2025.

JASWANT SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Harpal Singh Saini, Advocate,
(Through Video Conference)
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. H.S Saini, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of DDR No.44 dated
07.10.2023 under Sections 447, 511, 427, 506, 34 Indian Penal Code, 1860
arising out of FIR No.156 dated 09.09.2023 under Sections 336 and 201

Indian Penal Code, 1860 and Sections 27, 30, 54, 59 of Arms Act registered at Police Station Bhawanigarh, District Sangrur along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.05.2024 (Annexure P-3).

2 Briefly summarized, the facts of the case are that the respondent-complainant Jaspal Singh (son of Maghar Singh) does agricultural work. He and his brother have about 50 bighas of land in village Mattran on the border of village Nadampur, which is owned by him, his brother Jagtar Singh and his wife Paramjit Kaur the possession whereof is also with them. On the border of his village Mattran and village Nadampur, the land of petitioner Jaswant Singh (son of Nachhattar Singh), resident of village Nadampur, also falls. Between both their lands, 2 Karam wide path and 2 Karam wide ditch have been running officially since the time of consolidation and that ditch and path come under the area of village Nadampur. The Panchayat of village Nadampur had got marked the land of the path and ditch of its village from the Revenue Department. After the demarcation conducted by the Revenue Department, the complainant's land was found to be complete. But thereafter, the petitioners, Jaswant Singh (son of Nachhattar Singh) and Nirbhay Singh (son of Ruldu Singh), residents of Nadampur, started to occupy his land forcibly in order to grab it. In order to stop Jaswant Singh and Nirbhai Singh from interfering in his land, the complainant also took a stay from the Court to stop the action, but on 08-09-2023 at around 07:30 in the evening, Jaswant Singh, Nirbhai Singh above along with Jodha Singh son of Gurmail Singh, Amrik Singh son of Maghar Singh, Naib Singh son of Nek Singh residents of Nadampur and 15-20

unknown persons entered the complainant's land on two tractors with weapons and started digging up the rice crop on his land with the intention of taking possession. They damaged his rice crop by uprooting about half an acre. When the complainant reached the spot, the petitioners started abusing him and threatened to kill him. The petitioners then left the spot after damaging the complainant's rice crop. Thereafter, the petitioners gave a false report at Bhawanigarh police station regarding firing against the complainant, and subsequently, the police party registered a case against the complainant and he was sent to jail. After the complainant's bail, the present DDR was then got registered against the petitioners. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

3 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 08.09.2025 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.

4 Pursuant to the said order, a report has been received from the Addl. Chief Judicial Magistrate, Sangrur, vide Memo No.239 dated 16.10.2025. The relevant extract of the report is reproduced as under:-

“From the above, the point-wise report is submitted as under as desired by the Hon'ble High Court:-

(i) As per statement of Investigating Officer, there are three accused persons namely Jaswant Singh, Nirbhai Singh and Jodha Singh are nominated in the present FIR.

(ii) As per the statement of Investigating Officer, there is one

complainant namely Jaspal Singh Son of Maghar Singh resident of Village Mattran, P.O. Nadampur, Tehsil Bhawanigarh, District Sangrur.

(iii) As per the statement of Investigating Officer, in the present DDR No.44 dated 07.10.2023 under Sections 447, 511, 427, 506, 34 of IPC in FIR 156 dated 09.09.2023, PS Bhawanigarh which was got registered by Jaspal Singh against accused person namely Jaswant Singh, Nirbhai Singh and Jodha Singh. Now complainant Jaspal Singh has compromised the matter with Jaswant Singh and Nirbhai Singh. No compromise has been reported with the accused Jodha Singh. Jaspal Singh does not want to pursue further against the accused persons Jaswant Singh and Nirbhai Singh.

(iv) As per record, accused Jodha Singh Son of Gurmail Singh is left out arrayed as the party.

(v) As per statement of Investigating Officer, the said accused persons have never been declared as Proclaimed offender.

(vi) The compromise has been effected between the parties without any pressure, coercion, undue influence and the compromise has been effected between the parties voluntarily and genuinely...

(vii) Nil.”

5 Reply already filed on behalf of the respondent-State is taken on record. 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 for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7 The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 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'. The relevant paragraphs are extracted as under:

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is noncompoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first

information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere

dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

8 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.

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 likely to be a waste of judicial time and there appears to be no chances of conviction.

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 BNSS:-

(i) The incident took place on account of a dispute regarding the demarcation of the land falling in villages Nidampur and Mattran and the respective rights of the parties emanating therefrom.

(ii) The petitioners are in their 30s and continued criminal proceedings would have serious repercussions on the discharge

of their social obligations as well as careers.

(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;

11 In view of the report of the Addl. Chief Judicial Magistrate, Sangrur and the principles laid down by the Apex Court in '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the instant petition is allowed. DDR No.44 dated 07.10.2023 under Sections 447, 511, 427, 506, 34 Indian Penal Code, 1860 arising out of FIR No.156 dated 09.09.2023 under Sections 336 and 201 Indian Penal Code, 1860 and Sections 27, 30, 54, 59 of Arms Act registered at Police Station Bhawanigarh, District Sangrur along with all subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 27.05.2024 (Annexure P-3) entered between the parties. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner(s) each with DHFWS SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492, IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula, within two months from receipt of certified copy of this order.

12 Petition is allowed in above terms.

December 04, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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