



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289

CRM-M-49292-2025 (O&M)

Date of decision: 03.11.2025

Gurjinder Singh @ Tony

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondents

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

Present :- Mr. Yogesh Goel, Advocate;
Mr. Lakshay Goel, Advocate;
Ms. Manisviniee, Advocate for the petitioner(s).

Mr. Surinderjit Singh Nahar, AAG Punjab.

Ms. Vaishali Thakur, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR No.137 dated 24.03.2022 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) alongwith all the consequential proceedings arising therefrom, on the basis of compromise dated 20.08.2025 (Annexure P-2).

2. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 05.09.2025 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, SAS Nagar (Mohali) vide Memo No. 278 dated 30.10.2025. The relevant extract of the report is reproduced as under:-

- “i. The FIR was filed against the accused Bagh Singh S/o Surta Singh, Manpreet Singh S/o Kuldeep Singh, Uttampreet Kaur D/o Harwinder Singh, Param S/o Harwinder Singh, Sajan Seth S/o Mangal Seth, Gurjinder Singh @ Tony S/o Bakshish Singh, Gurkaram Singh S/o Baldev Singh. However, the challan was presented only against accused Gurjinder Singh @Tony and Gurkaram Singh. The proceedings against accused Gurkaram Singh have already been quashed by the Hon'ble Punjab and Haryana High Court vide Order Dated 18.04.2023 in CRM-M-41749-2022.*
- ii. There is only one complainant/victim namely Raj Kumar S/o Lakshman Das.*
- iii. The accused Gurjinder Singh @ Tony and complainant Raj Kumar S/o Lakshman Das are party to the compromise and have signed the said compromise.*
- iv. No affected person is left out or not arrayed as party in the present quashing petition before the Hon'ble Punjab and Haryana High Court.*
- v. The accused person/petitioner is not involved and has not*



been declared proclaimed offender in any other criminal case. No such proceedings against the accused person has been initiated or pending adjudication. No other FIR has been registered against the said accused person. The said compromise entered between the parties is genuine, voluntary and without any coercion or undue influence.

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. 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.

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 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 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.

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 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 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 the Bharatiya Nagarik Suraksha Sanhita,



2023:-

- i) *The dispute is primarily monetary in nature and the complainant alleges that the accused had defrauded him.*
- ii) *Petitioner is of 35 years of age and continued criminal incarceration will cause severe repercussions to the petitioner in discharge of his social obligation as well as in his 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 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 with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile expenditure of judicial time.*

10. In view of the report of the Judicial Magistrate 1st Class, SAS Nagar (Mohali) and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*** 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. FIR No.137 dated 24.03.2022 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Sohana, District



SAS Nagar, Mohali (Annexure P-1) and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 20.08.2025 (Annexure P-2). However, the same would be subject to payment of costs of Rs.15,000/- to be deposited by the petitioner with the Red Cross Old Age Home, Account No.50100286016319, IFSC Code: HDFC0004030, HDFC Bank Sector-15, Panchkula within a period of two months from receipt of certified copy of this order.

11. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

03.11.2025

Mangal Singh

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