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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:159265



CRM-M-50333-2025 (O&M)
Date of decision: 17.11.2025.

SUMIT @ SUMIT SINGH

...Petitioner(s)

VERSUS

UNION TERRITORY OF CHANDIGARH AND ANOTHER

...Respondent(s)

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

Present :- Mr. Akhil Ahuja, Advocate,
for the petitioner.

Mr. Samir Rathaur, Addl. Public Prosecutor
for U.T. Chandigarh.

Mr. Asutosh Kumar Singh, Advocate,
for complainant-respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed by the petitioner(s) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR bearing no.26 dated 14.02.2025, under Section(s) 318(4) of the Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS 2023')

registered at Police Station Sector 39, Chandigarh, (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 01.05.2025 (Annexure P-2).

2 The dispute in the present case arose due to petitioner’s failure to deliver the work of interior designing to the satisfaction of complainant-respondent No.2 as the quality of material used was also not upto the mark of oral discussions held between parties. As the dispute was predominantly civil in nature, hence, the parties resolved their dispute and entered into the settlement.

3 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 10.09.2025 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, report has been received from the Judicial Magistrate First Class, Chandigarh, vide Memo No.324 dated 29.10.2025. The relevant extract of the report is reproduced as under:-

1	<i>Total number of persons found involved as accused in the dispute/FIR.</i>	<i>As per statement of IO, there is only one accused namely Sumit @ Sumit Singh.</i>
2	<i>Number of complainant/victim(s).</i>	<i>As per statement of IO, there is one complainant namely Raj Kumar.</i>
3	<i>Whether all the accused and complainant/victims are party to compromise and signed the S same</i>	<i>Compromise has been signed by complainant Raj Kumar and accused Sumit @ Sumit Singh.</i>
4	<i>In case, any affected persons (accused or complainant) is left out or not arrayed as party in the quashing petition before High</i>	<i>There is no other complainant or accused person who is effected in the present case.</i>

	<i>Court, detail whereof. OR His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person.</i>	
5	<i>Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication.</i>	<i>As per statement of IO, accused Sumit @ Sumit Singh has never been declared proclaimed offender.</i>
6	<i>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence.</i>	<i>Yes, the compromise so arrived at between the parties is genuine, voluntary and without any coercion or undue influence</i>
7	<i>Any other aspect relevant to the present case.</i>	<i>No</i>

5 Learned APP for UT, Chandigarh 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. 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 non-compoundable.*

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 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 SCC 303'**.

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.

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 dispute in question is private in nature, arising out of a business transaction that went wrong.

(ii) The petitioner is 29 years of age and continuation of criminal proceedings will cause severe repercussions to him in discharge of their social obligations as well as in their workplace;

(iii) Putting an end to the proceedings will bring peace and tranquility among parties

(iv) The case is still at the initial stage as the FIR was registered in February 2025; and

(v) 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 concerned Judicial Magistrate First Class, 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', as well as **Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834**, the instant petition is

allowed. The FIR bearing no.26 dated 14.02.2025, under Section(s) 318(4) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sector 39, Chandigarh, (Annexure P-1) along with all the subsequent proceedings arising therefrom, is hereby quashed in view of the compromise dated 01.05.2025 (Annexure P-2) entered between the parties. However, the same would be subject to payment of costs of Rs.20,000/- to be deposited by the petitioner(s) with the Red Cross Old Age Home, Account No.50100286016319, IFSC-HDFC0004030, HDFC Bank, Sector 15, Panchkula, within two months from receipt of certified copy of this order.

12 Petition is allowed.

November 17, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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