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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:164899



CRM-M-50350-2025 (O&M)

Date of decision: 17.11.2025.

BALVIR SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. Prabhjot Singh, Advocate,
for the petitioners.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

Mr. Sachin Bhardwaj, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

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.45 dated 27.05.2017 registered under Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 379, 506

and 34 of IPC (Section 411 IPC added later on) at Police Station Amloh, District Fatehgarh Sahib along with all the subsequent proceedings arising therefrom on the basis of compromise dated 12.05.2024 (Annexure P-4).

2 Mr. Sachin Bhardwaj, Advocate, has also placed on record power of attorney on behalf of respondent No.3.

3 Short reply on behalf of respondent-State by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub Division, Amloh, District Fatehgarh Sahib, has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioners

4 As per the allegations the petitioners on 25.05.2017, at around 3:00 P.M., dug the 5 feet wide pucca road with concreted drains constructed on either side leading to the house of one Lal Singh and dismantled the drains. Petitioners are alleged to have further covered the dismantled drains with soil and to have stolen the recovered material from the site.

5 It was alleged that the case had been got registered due to party factionalism and construction being raised through private property. A civil suit had also been filed in this regard. However, as the parties belong to the same neighbourhood, the dispute has been resolved amicably. Hence, the present petition had been filed for seeking quashing in view of the settlement.

6 The parties were thus 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.

7 Pursuant to the said order, report has been received from the Judicial Magistrate First Class, Amloh, vide Memo No.254 dated

16.10.2025. The relevant extract of the report is reproduced as under:-

“Investigating officer, SI Dharampal No.08/FGS has got recorded his statement that present FIR No.45 dated 27.05.2017 U/s Section 3 Prevention of Damage to Public Property Act and Sections 379, 506 & 34 of IPC (Section 411 IPC added later on) Police station Amloh, was registered on the statement of complainant Harchand Singh (Sarpanch) son of Sita Singh resident of Raipur Arayian Tehsil Amloh, Distt Fatehgarh Sahib, Punjab against total five accused persons namely (i) Balvir Singh son of Parkash Singh, (ii) Amritpal Singh son of Balvir Singh, (iii) Gurtej Singh @ Tattu son of Surjit Singh, (iv) Sukhwinder Singh @ Gora @ Gorkha son of Lal Singh and (v) Jagshir Singh @ Jagsir Singh son of Gian Singh. Further, he has stated that:-

1. Only five accused persons found involved as accused in the dispute/FIR.;

II. Harchand Singh (Sarpanch) son of Sita Singh is the only complainant/victim in the present FIR;

III. Complainant Harchand Singh. Beant Singh present elected Sarpanch and accused persons namely Balvir Singh, Amritpal Singh, Gurtej Singh @ Tattu, Sukhwinder Singh @ Gora @ Gorkha and Jagshir Singh @ Jagsir Singh are party to the compromise and signed the same:

IV. None of the accused or complainant are left out not arrayed as party in the quashing petition before High court except the present complainant and accused persons; and statement not recorded as no one has appeared before the court in compliance to the direction of this court except the present complainant and accused persons.

V. None of above said accused persons has been declared as Proclaimed offender in the present case or any such proceedings against them have been initiated or pending adjudication;

VI. This compromise is genuine, voluntarily and without any coercion or under influence;

VII. As per his record, FIR No.29 dated 05.03.2024 under Sections 323, 341, 34 IPC PS Amloh was registered against accused Amritpal Singh son of Balvir Singh.

The complainant namely Harchand Singh, Beant Singh present elected Sarpanch and accused persons namely Balvir Singh, Amritpal Singh, Gurtej Singh @ Tattu, Sukhwinder Singh @ Gora @Gorkha and Jagshir Singh @Jagsir Singh have no objection if the above said FIR and the consequential proceedings are quashed against them, in view of the compromise entered into between the parties.”

8 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.

9 Learned counsel for respondents No.2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

10 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.”

11 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'**.

Furthermore, 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'**.

12 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.

13 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 is a property dispute pertaining to title over the land between the complainant and the petitioners qua which civil proceedings were also pending.

(ii) The petitioners are aged between 35 years to 75 years and petitioners No.1 to 3 are residents of same village as respondent No.3. Continuation of the proceedings would only spoil peace and harmony in the village;

(iii) The case is still at the initial stage even though the FIR was registered in May 2017 and a period of more than 08 years having elapsed.

(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;

14 In view of the report of the concerned Judicial Magistrate First Class, 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 FIR No.45 dated 27.05.2017 registered under Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 379, 506 and 34 of IPC (Section 411 IPC added later on) at Police Station Amloh, District Fatehgarh Sahib, along with all the subsequent proceedings arising therefrom, is hereby quashed in view of the compromise dated 12.05.2024 (Annexure P-4) entered between the parties. However, the same would be subject to payment of costs of Rs.5,000/- each to be deposited by the petitioner(s) with DHFWS SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492, IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula, within a period of two months from receipt of certified copy of this order.

15 Petition is allowed in above terms.

November 17, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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