

293

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:160433



CRM-M-50512-2025 (O&M)
Date of decision: 18.11.2025.

AVTAR SINGH @ GORA AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. Sandeep Kumar, Advocate,
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Umesh Pandey, Advocate, for
Mr. M.M. Pandey, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR No.0091
dated 01.06.2025 registered under Section(s) 118(1), 115(2), 191(3) and 190
of the Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS
2023') at Police Station Dayalpura, District Bathinda along with all the

subsequent proceedings arising therefrom on the basis of compromise dated 04.06.2025 (Annexure P-2).

2 The FIR in the present case was registered on the statement of Jaswant Singh@ Doctor Mona wherein he put allegations against his sister in law, niece, nephew and grandsons of his brother for causing injuries to him with gandasi and stick. The argument arose out of dispute with respect to partition of the house. As the parties are related to each other and reside in the same house, albeit in different premises, the matter was resolved with the intervention of respectables upon the settlement having been arrived at and reduced in writing, the present petition was filed.

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, Phul, vide Memo No.10929 dated 27.10.2025. The relevant extract of the report is reproduced as under:-

“After going through the statements made by complainant, and accused persons, concerned IO ASI Jagtar Singh, 447/BTI, the following report as desired by the Hon'ble High Court is submitted:

1. There is one complainant namely Jaswant Singh @ Dr. Mona s/o Bachan Singh ro village Kotha Guru, Tehsil Phul & District Bathinda and one injured namely Gurmail Singh s/o Bachan Singh r/o village Kotha Guru, Tehsil Phul & District Bathinda and five accused namely Avtar Singh @ Gora, Shinder Kaur,

Arshdeep Singh, Anmoldeep Singh and Veerpal Kaur @ Sukhdeep Kaur The complainant namely Jaswant Singh @ Dr. Mona and injured Gurmail Singh suffered separate statements regarding compromise and stated that the said compromise is voluntarily, without any coercion, fraud, misrepresentation or undue influence.

2 The concerned IO ASI Jagtar Singh, 447/BTI suffered a statement that total five persons are arrayed as accused in present FIR No. 0091 dated 01.06.2025 at PS Dayalpura which was registered on the instance of Jaswant Singh @ Dr. Mona s/o Bachan Singh r/o village Kotha Guru, Tehsil Phul & District Bathinda against Avtar Singh @ Gora, Shinder Kaur, Arshdeep Singh, Anmoldeep Singh and Veerpal Kaur @ Sukhdeep Kaur. All the five accused are neither declared as proclaimed person/offender in any case nor any of them is included in any other FIR.

All the accused/ petitioner Avtar Singh @ Gora, Shinder Kaur, Arshdeep Singh, Anmoldeep Singh and Veerpal Kaur @ Sukhdeep Kaur also suffered respective statements qua compromise effected between the parties.

3. The final report regarding the present FIR has not been presented yet in the Court.

4. Compromise effected between the complainant namely Jaswant Singh @ Dr. Mona s/o Bachan Singh ro village Kotha Guru, Tehsil Phul & District Bathinda and injured Gurmail Singh s/o Bachan Singh r/o village Kotha Guru, Tehsil Phul & District Bathinda and accused persons namely Avtar Singh @ Gora, Shinder Kaur, Arshdeep Singh, Anmoldeep Singh and Veerpal Kaur @ Sukhdeep Kaur is genuine and it is voluntarily effected between the parties with their free will and without any pressure, threat, coercion or undue influence from any

quarter.”

5 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 respondents No.2 and 3 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 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 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 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 the result of a fight between the family members who reside in the same household. The injuries are not dangerous. The parties being related to each other and residing in the same house, resolution of the dispute amicably is in the interest of maintaining harmony and good atmosphere.

(ii) The petitioners no.1,3, 4 and 5 are aged 43 , 26 , 24 and 44 years respectively and continuation of criminal proceedings will cause severe repercussions to the petitioners in discharge of their social obligations as well as in their workplace and in future career;

(iii) Petitioner no.2 is 72 years of age and continued criminal proceedings in his later years of life will have serious

repercussions on his health and family life.

(iv) The case is still at the initial stage as the FIR was registered in June 2025 and trial in the present case has not yet commenced. Putting an end to the proceedings will bring peace and tranquility among parties.

(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;

(vi) 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 waste of judicial time.

10 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 aforesaid FIR along with all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 04.06.2025 (Annexure P-2) entered between the parties. However, the same would be subject to payment of costs of Rs.5,000/- to be deposited by each petitioner(s) 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

11 Petition is allowed.

November 18, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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