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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167050



CRM-M-52007-2025 (O&M)

Date of decision: 01.12.2025.

TALWINDER SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Manmeet Singh Rana, Advocate,
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. Aaryan Kargwal, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of FIR No.20 dated 01.02.2020 registered under Sections 380, 447, 506 of Indian Penal Code, 1860 (Section 201, 34 of IPC added later on) at Police Station Basti Bawa Khel, District Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom,

on the basis of compromise dated 02.07.2025 (Annexure P-2), the instant petition has been filed.

2 Briefly summarized, the facts of the case are that the respondent-complainant Babita Devi's husband Vijay Chohan used to do the work of Sand and Concrete. However, his liver had been damaged on account of Jaundice. To get her husband treated, the respondent-complainant locked her house, H.No.13-A, New Gautam Nagar, Jalandhar and went to Village Solaniya, P.S. Behkuntpur, District Gopalganj (Bihar). Due to severe illness, the complainant's husband was got admitted in Dr. R.M.L. Hospital, New Delhi, but he died during treatment on 1st January 2020. When the respondent-complainant came back to her house after performing the last rites of her husband, along with her brother Suresh Kumar on 31.01.2020 at 09.00 AM, she found that the lock of the gate and the locks of the doors of the house had been broken, her things had been scattered and the gold articles kept in iron almirah; the Aactiva parked in house bearing No. PB08-BU-3989; the 5 old batteries for the trucks; the gas cylinder kept in the kitchen; the Geyser and the batteries for the inverter were also found missing. It was alleged that the petitioners stole the abovesaid articles, took illegal possession of the respondent-complainant's house and also threatened her and her children with dire consequences. The present FIR was hence got registered against the petitioners.

3 However, with the intervention of the respectables, the parties decided to compromise the matter. Hence, the present petition.

4 The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 17.09.2025 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.

5 Pursuant to the said order, a report has been received from the Judicial Magistrate First Class, Jalandhar, vide Memo No.111 dated 11.11.2025. The relevant extract of the report is reproduced as under:-

“5. Keeping in view all aspects, statements of the parties as well as of Investigating Officer, the requisite information, as sought for, is submitted as under: -

1) Total number of persons found involved as accused in the dispute/FIR: *As per the statement of ASI Palwinder Singh there are only four accused persons in the present FIR.*

2) Number of complainant/victim(s): *As per the statement of ASI Palwinder Singh there is only one complainant in the present FIR namely Babita Devi.*

3) Whether all the accused and complainant/victim(s) are party to the compromise and signed the same: *Complainant Babita Devi and accused persons namely Talwinder Singh @ Bunty, Prince, Amarjit Kaur and Manpreet Kaur are party to the compromise and have signed the same.*

4) In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof: *As per statement of complainant, accused and IO no person is left out as party in the quashing petition before Hon'ble HC.*

5) Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication: *As per statement of ASI Palwinder Singh, none of the accused has been declared as a proclaimed offender/person and no such proceedings are initiated or pending against him.*

6)Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence:

Having recorded the statements of complainant and accused and after examining them orally as well, this court is of the considered opinion that compromise so arrived between the parties is genuine, voluntary and without any coercion or undue influence.

7)Any other aspect relevant to the present case: No.”

6 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.

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

8 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.”

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 aspects emerge from a perusal of the case as well as the subsequent developments thus supplementing a case for invocation of the powers under Section 528 BNSS:-

(i) The allegations pertain to the loss and damage to the property after breaking of lock and stealing certain articles from the complainant's house.

(ii) Petitioner No.3 is aged 51 years while the rest of the petitioners are in their 30s. Continuation of criminal proceedings would harm their future prospects.

(iii) The offence in question cannot be said to be heinous or as would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;

(iv) Despite the case having been registered in the year 2020 and more than 05 years having elapsed, the trial has yet not concluded. Investing further judicial time would be an exercise in futility;

(v) The parties have amicably resolved the dispute and have decided to live in peace and harmony, which is a finest hour of justice, a goal which law would aim to achieve and

(vi) There is nothing to suggest that parties have reflected non-reformative criminal tendencies. Being in the same locality, quashing of proceedings would sub-serve larger public good.

11 In view of the report of the Judicial Magistrate First Class, Jalandhar 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.

The FIR No.20 dated 01.02.2020 registered under Sections 380, 447, 506 of

Indian Penal Code, 1860 (Section 201, 34 of IPC added later on) at Police Station Basti Bawa Khel, District Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom, are hereby quashed on the basis of the compromise dated 02.07.2025 entered between the parties.

12 Petition is allowed in above terms.

December 01, 2025. raj arora	(VINOD S. BHARDWAJ) JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>