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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:165738



CRM-M-51808-2025 (O&M)

Date of decision: 28.11.2025.

NIRMALJIT SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Vikram Satpal Anand, Advocate,
for the petitioners.

Ms. Savi Nagpal, AAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate,
for 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.278 dated 29.06.2024, under Section(s) 323, 341, 452, 506, 294 and 34 of the Indian Penal Code, 1860 registered at

Police Station City Ferozepur, District Ferozepur (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 02.09.2025 (Annexure P-2).

2 Short reply on behalf of respondent No.1-State by way of affidavit of Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur, has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioners.

3 Briefly summarized, the facts of the present case are that the complainant had a spat with his brother Nirmaljit Singh, regarding the installation of an English seat in place of the country-made toilet seat. On 29-06-2024 at around 4:00 PM, Nirmaljit Singh started hitting the complainant on his head with his iron ring. When the complainant tried to run away from the house to save himself, Nirmaljit Singh's son Simranpal Singh stopped him and started dragging him. Thereafter, Nirmaljit's wife, Parminder Kaur, hit the complainant several times with her hands. When the complainant entered his room and closed the door, the abovesaid persons pushed the door, entered inside and beat him up. They also threatened to kill the complainant, hurled abusive words at his wife Balbir Kaur and beat her up before leaving the spot. The present FIR was thus registered against the petitioners. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

4 The parties were directed by this Court to appear before the learned Trial Court/Illaq Magistrate vide order dated 15.09.2025, 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, report has been received from the Judicial Magistrate First Class, Ferozepur, vide Memo No.2077 dated 26.11.2025. The relevant extract of the report is reproduced as under:-

“After recording statements of both the parties as well as IO the para wise requisite report is submitted as under:-

1. As per statement of I.O, there are only three persons arrayed as accused in above mentioned FIR namely Nirmaljit Singh son of Late Kashmir Singh, Parminder Kaur wife of Nirmaljit Singh and Simranpal Singh son of Nirmaljit Singh, all resident of House no. 151 Ward no. 8, Gali no. 6, Dhawan Colony Ferozepur City.

2. As per statement of IO as well as parties, there is only one complainant namely Surinderjeet Singh.

3. All the accused and complainant/victim are party to compromise and had signed their statement in the court on 27.10.2025.

4. Not applicable.

5. As per statement of IO as well as parties, none of the accused have been declared proclaimed offenders/ persons nor any proceedings are initiated are against them or are pending at adjudication.

6. After recording statements of both the parties as well as IO, this court is of the opinion that the compromise between the parties is genuine and voluntary and is effected without any coercion and undue influence.

7. No other aspect relevant to the present case has been

revealed before the court by parties as well as by IO.”

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 '**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 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 likely to be a waste of

judicial time and there appears to be no chances of conviction.

11 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 incident took place between the real brothers and their family members regarding the replacement of a country-made toilet seat with an English seat.

(ii) The petitioners are aged between 21 years to 51 years; petitioners No.1 and 2 are husband and wife respectively; petitioner No.3 is the son of petitioners No.1 and 2, and petitioner No.1 is the real brother of the respondent-complainant.

(iii) The case is still at the initial stage as the FIR was registered in June 2024.

(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;

12 In view of the report of the Judicial Magistrate First Class, Ferozepur 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. FIR bearing No.278 dated 29.06.2024, under Section(s) 323, 341, 452, 506, 294 and 34 of the Indian Penal Code, 1860 registered at Police Station City

Ferozpur, District Ferozpur and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 02.09.2025 (Annexure P-2).

13 Petition is allowed in above terms.

November 28, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>