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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2025:PHHC:167051



CRM-M-52138-2025 (O&M)

Date of decision: 01.12.2025.

ROOPWANT SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Abhay Gupta, Advocate,  
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. Rohit Singla, Advocate,  
for respondent No.2.

**VINOD S. BHARDWAJ, J. (Oral)**

Present petition has been filed under Section 528 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 for seeking quashing of FIR No.60 dated  
23.05.2025 registered under Sections 115(2), 118(1), 3(5) of the Bharatiya  
Nyaya Sanhita, 2023 at Police Station Samrala (Annexure P-1) along with

all consequential proceedings arising therefrom on the basis of compromise dated 07.07.2025 (Annexure P-2).

2 Briefly summarized, the facts of the case are that the respondent-complainant, Subhash Chand, works as a labourer. His plot is adjacent to the house of one Kuldeep, son of Ram Krishna, resident of Manjali Kala, regarding which the complainant's case is also pending before the Court in Samrala. When the complainant went to check his plot at around 5:45 PM on 27.02.2025, he saw that petitioner No.1- Roopwant Singh, his wife and his two sons had been defacing the walls of his old house with cow dung. He went and asked Roopwant Singh as to what he was doing and that his house was getting damaged due to the cow dung. However, the petitioners started arguing with the complainant without any reason and they beat him up. Thereafter, Roopwant Singh pushed down the complainant, threw him on the ground and hit him on the right ear with his Sri Sahib, which made his head bleed a lot. Roopwant Singh and his family then plucked hair from his head. The complainant raised a hue and cry and the petitioners fled from the spot with their sons. The present FIR was then got registered against the petitioners. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

3 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.

4 Pursuant to the said order, a report has been received from the

Sub Divisional Judicial Magistrate, Samrala, vide Memo No.627 dated 03.11.2025. The relevant extract of the report is reproduced as under:-

*“i) As per statement of ASI Avtar Chand No.15/Khanna, only two persons arraigned as accused namely accused/petitioner no.1 Roopwant Singh son of Dharam Singh, resident of Samrala, Manjali Kalan, District Ludhiana and accused/petitioner no.2 Karamjeet Kaur wife of Roopwant Singh, resident of village Manjali Kalan, PO Bagli Kalan, District Ludhiana.*

*ii) As per statement of ASI Avtar Chand No.15/Khanna, there is only one complainant who is victim in the present case.*

*iii) All the accused and complainant/victim are party to the compromise and signed the same.*

*iv) As per record, no affected person is left out arrayed as party in the quashing petition.*

*v) As per statement of ASI Avtar Chand No.15/Khanna, none of the accused have been declared as proclaimed offender.*

*vi) From the statement of the parties, the compromise seems genuine, voluntary and without any coercion or undue influence.*

*vii) No other criminal case is pending against the accused persons.”*

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 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 (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.”*

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 incident took place at the complainant's old house on a trivial allegation of pasting cow dung cakes.

(ii) The petitioners are residents of same village and in neighbourhood. Continuation of criminal proceedings would harm peace and harmony in the village.

(iii) The case is still at the initial stage as the FIR was registered in March 2025. Moreover, the injuries received by the complainant are simple in nature.

(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;

10 In view of the report of the Sub Divisional Judicial Magistrate, Samrala 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.60 dated 23.05.2025 registered under Sections 115(2), 118(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Samrala (Annexure P-1) along with all consequential proceedings arising therefrom are hereby quashed on the basis of compromise dated 07.07.2025 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

December 01, 2025.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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