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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:165739



CRM-M-53883-2025 (O&M)

Date of decision: 28.11.2025.

GURSEWAK SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Kartik Bansal, Advocate, for
Mr. H.S. Dhindsa, Advocate,
for the petitioners.

Ms. Savi Nagpal, AAG, Punjab.

Mr. Sumeetpal S. Sidhu, 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.62 dated 02.09.2025, under Section(s) 115(2),
118(1), 118(2), 351(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita,

2023 (hereinafter to be referred as 'BNS' 2023), registered at Police Station Payal, District Khanna, along with all the subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2025 (Annexure P-2) and No objection Affidavit dated 16.09.2025 (Annexure P-3).

2 FIR in the present case was registered on the statement of respondent-complainant Kuldeep Singh (son of Harchand Singh), resident of Ward No. 07, Wadda Vehra Payal, Khana Payal, District Ludhiana, which is as under: -

“I am a resident of the above address. I am a labourer. On 29.08.2025, at around 8.30 PM, I was standing near the park built in front of my house. A motorcycle came and stopped in front of me, on which Gursewak Singh son of Piara Singh, Lakhi son of Piara Singh and Sunny son of Bhaji Singh came. They got off their motorcycle and came to me. As soon as they came, Sunny started abusing me. Then Gursevak Singh tried to hit me on the head with the iron Dah held in his hand, so I opened my left hand and put it forward, the iron Dah hit my 2 fingers of my left hand next to the thumb. Then I fell on the ground. In the meanwhile, Gurmukh Singh son of Bhaji Singh also came from his home. As soon as he came, he gave blows of the baseball held in his hand behind my back and legs, the above said Lakhi kicked me while I was lying down and then two unknown persons also came, whose names I do not know, whose faces were covered with a cloth. They were called by these four. They came and beat me up. Then I started shouting Marta Marta, on hearing me shouting, a crowd gathered. My uncle's son Sukhwinder Singh son of Mohan Singh also came seeing the crowd. On seeing them, all of them, along with their weapons, fled from the spot on their motorbike while giving me threats. Then my uncle's son Sukhwinder Singh took me on a

motorbike to the Civil Hospital Payal for treatment. Till now, we had been discussing about compromising the matter. The compromise could not happen. Today I have come to the police station with my brother Sukhwinder Singh to record my statement, we have met you at the police station, I have got my statement recorded with you, I have read it and heard it, it is correct. The reason for the enmity is that I had a fight with the above mentioned persons before, because of that enmity, they have beaten me up in collusion. Strictest legal action should be taken against these above mentioned persons.”

3 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 23.09.2025, 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 Sub Divisional Judicial Magistrate, Payal, vide Memo No.38 dated 18.11.2025. The relevant extract of the report is reproduced as under:-

“Accordingly the report as sought by your goodself regarding the following information is as hereunder:

(i) Total 4 persons namely Gursewak Singh, Lakhwinder Singh @Lakhi, Prabhjot Singh @ Sunny, Gurmukh Singh found involved as accused in the dispute/FIR.

(ii) As per the statement of ASI Harjinder Singh, there is one complainant namely Kuldeep Singh.

(iii) All the accused and complainant/ victims are party to the compromise and they all signed the same.

(iv) It is further submitted that no affected person(accused or complainant) is left out in the quashing petition before the Hon'ble High Court.

(v) As per the statement of ASI Harjinder Singh, neither any accused has been declared proclaimed offender nor any such proceedings against accused have been initiated or pending adjudication.

(vi) From the statements recorded in the court with regard to compromise, I am of the view that the compromise between the parties appeared before court, is genuine, voluntary and without any coercion or undue influence.

(vii) There is no any other aspect relevant to the present case.”

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 near the park built in front of the house of the complainant. It is a case where the petitioners allegedly abused the complainant in front of his house and also caused injuries to him.

(ii) Initially, the complainant thought of compromising the matter; however, later on, the present FIR was got registered.

(iii) The petitioners are young boys aged between 17 years and 23 years. Continuation of proceedings would affect their future prospects.

(iv) The case is still at the initial stage as the FIR was registered in September 2025.

(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;

12 In view of the report of the Sub Divisional Judicial Magistrate, Payal 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.62 dated 02.09.2025, under Section(s) 115(2), 118(1), 118(2), 351(2), 191(3) and 190 of the BNS, 2023, registered at Police Station Payal, District Khanna, along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 16.09.2025 (Annexure P-2) and No objection Affidavit dated 16.09.2025 (Annexure P-3).

13 Petition is allowed in above terms.

November 28, 2025.

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No