

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

2026:PHHC:080719



CRM-M-3532-2026 (O&M)
Date of decision: 21.05.2026.

HARPREET SINGH @ HAPPY

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. Raghav Soni, Advocate,
for the petitioner.

Ms. Alisha Soni, AAG, Punjab.

Mr. Rajpal Singh Kalra, Advocate, for
Mr. Manish Kansra, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.149 dated
27.06.2014, registered under Section(s) 323, 324, 326 and 34 of the Indian
Penal Code, 1860 (Section 201 of the IPC added later on) at Police Station
Bhikhiwind, District Tarn Taran, along with all subsequent proceedings

arising therefrom on the basis of compromise dated 10.02.2018 (Annexure P-2).

Briefly stated, the present FIR came to be registered on the basis of a statement made by Gurmukh Singh son of Ujjagar Singh, resident of village Mari Gaur Singh, Police Station Bhikhiwind, District Tarn Taran. According to the complainant, he was engaged in agricultural work and belonged to a family consisting of four brothers and one sister. It was stated that the agricultural land owned by the family had already been partitioned amongst the brothers long ago. The complainant further alleged that he had purchased certain land from one Fauja Singh son of Chanan Singh of the same village, adjoining the land of his brother Navinder Singh. It was alleged that respondent-accused Navinder Singh had stacked bricks upon the said land belonging to the complainant and despite repeated requests made by the complainant to remove the bricks, the accused persons failed to do so. The complainant further alleged that on 25.06.2014 at about 12:00 noon, when he had come to inspect his land after returning from Patti, his brother Navinder Singh, armed with a kirpan, along with his son Harpreet Singh, armed with a barsha", and his sister-in-law Veer Kaur, who was empty-handed, came towards him. According to the complainant, immediately upon arriving at the spot, Veer Kaur raised a lalkara exhorting the others to catch hold of him and teach him a lesson for asking them to remove the bricks from the land. It was further alleged that thereafter accused Navinder Singh inflicted a kirpan blow upon the complainant, which the complainant attempted to ward off by raising his hand, resulting in the injury landing upon his right wrist. Thereafter, Harpreet Singh inflicted a blow with the barsha which struck the complainant

on the backside of his left shoulder. It was further alleged that Veer Kaur also threw a brick towards the complainant, which hit him on the right side of his waist. According to the complainant, upon his raising alarm, his brother Lakhwinder Singh reached the spot, whereupon the accused persons fled from the place of occurrence along with their respective weapons. The complainant further alleged that thereafter his brother Lakhwinder Singh arranged a vehicle and shifted him first to Sur Singh Hospital, from where he was referred to Civil Hospital, Ghariyala, where his medical examination was conducted and treatment was administered. The complainant further alleged that had his brother Lakhwinder Singh not reached the spot in time, the accused persons could have killed him. According to the complainant, the motive behind the occurrence was the dispute relating to the bricks allegedly kept forcibly by the accused persons on his land and their refusal to remove the same despite repeated demands. On the basis of the aforesaid allegations, the complainant sought legal action against the accused persons.

However, with the intervention of the respectables from both sides, the parties have decided to compromise the matter. Hence, the present petition.

Learned counsel for the petitioner contends that even though the complainant in the present FIR has passed away on 26.05.2021, however, he had already settled the matter with the accused persons vide compromise deed dated 10.02.2018 i.e. much prior to his death and had also executed an affidavit acknowledging the factum of compromise. He contends that legal representatives of the complainant Gurmukh Singh have been impleaded as respondent No.2 and 3 in the present petition and a compromise with the legal

representatives of the complainant has also been effected and that they also do not have any objection to the quashing of the FIR. He further contends that on the basis of the compromise dated 10.02.2018, FIR against other co-accused of the petitioner namely Narinder Singh and Veer Kaur @ Veero, already stands quashed vide order dated 10.10.2018 passed in CRM-M-7431-2018.

Accordingly, the petitioner as well as the legal heirs of complainant i.e. respondents No.2 and 3 were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 23.01.2026 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.

Pursuant to the said order, a report has been received from the Judicial Magistrate First Class, Patti, vide Memo No. 37 dated 12.02.2026. The relevant extract of the report is reproduced as under: -

“...In pursuance of the orders passed by the Hon'ble Court in the above mentioned Criminal Miscellaneous, I have the honour to submit that on 03.02.2026, accused/petitioner Harpreet Singh @ Happy and legal representatives of complainant namely Manjit Kaur and Kirandeep Kaur appeared before the court of the undersigned. The statements of legal representatives of complainant namely Manjit Kaur and Kirandeep Kaur were got recorded to the effect that the matter has been compromised with the petitioner/accused Harpreet Singh a Happy. The petitioner/accused Harpreet Singh @ Happy also got recorded his statement to the effect that the matter has been compromised between parties. All of them stated that the compromise has been effected voluntarily without any pressure, coercion and undue influence.

As desired by the Hon'ble High Court, the report is as under: -

- 1. As per statement of Investigating Officer, there are three persons namely Sawinder Singh, Harpreet Singh @ Happy (present petitioner) and Veer Kaur arrayed as accused in the present FIR. The name of victim in the above said FIR is Gurmukh Singh, who was also complainant in the above said FIR.*
- 2. None of the accused is declared proclaimed offender as per the statement of the Investigating Officer.*
- 3. The compromise is genuine, without any pressure or coercion and undue influence.*
- 4. As per statement of I.O, the accused are not involved in any other FIR.*
- 5. Compromise is complete.*
- 6. As the per statement of I.O, the offence under section 201 of IPC was enhanced, after registration of FIR. ”*

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.

Learned counsel for respondents No. 2 and 3, i.e. the legal heirs of the complainant, reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

The Hon ble Supreme Court in the case of ***Yogendra Yadav & Others v. State of Jharkhand & Another*** reported as ***(2014) 9 SCC 653*** has held that although non-compoundable offences under Section 320 Cr.P.C. cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their

dispute. The Court has held that this power must be exercised on a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection, and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus: -

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab*, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 : (2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that

quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

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 petitioner as well as the private respondents are residents of the same village and in such circumstances, bringing the criminal proceedings to an end pursuant to the amicable settlement arrived at between the parties would promote peace, social harmony and cordial relations amongst them and would prevent further bitterness and acrimony.
- (ii) The petitioner is approximately 39 years of age and there is nothing on record to indicate his involvement in any other criminal case, thus suggesting that the occurrence in question does not reflect any habitual criminal conduct on his part.
- (iii) The FIR in question pertains to the year 2014 and despite lapse of more than a decade, the prosecution evidence is still incomplete. The prolonged pendency of the criminal proceedings has subjected the parties to continued litigation and hardship for several years.
- (iv) It is also a matter of record that the FIR in question already stands quashed qua the co-accused persons on the basis of

compromise vide order dated 10.10.2018 passed in CRM-M-7431-2018. Continuation of proceedings solely against the present petitioner would, therefore, serve no meaningful or fruitful purpose.

(v) The offences alleged cannot be categorized as heinous offences involving mental depravity or offences having such grave societal impact so as to shock the collective conscience of society or that of the Court.

(vi) The allegations do not pertain to offences against the State, acts of terrorism, offences involving extreme violence, sexual offences or crimes having grave repercussions upon public order or institutional integrity.

In view of the report of the Judicial Magistrate First Class, Patti and the principles laid down by the Apex Court in the aforesaid judgments, and also the fact that FIR qua the co-accused of the petitioner on the basis of compromise already stands quashed way back in the year 2018 vide order dated 10.10.2018 passed in CRM-M-7431-2018 the instant petition is allowed. FIR bearing No.149 dated 27.06.2014, registered under Section(s) 323, 324, 326 and 34 of the Indian Penal Code, 1860 (Section 201 of the IPC added later on) at Police Station Bhikhiwind, District Tarn Taran, along with all subsequent proceedings arising therefrom, is hereby quashed on the basis of compromise deed dated 10.02.2018 (Annexure P-2) entered between the parties. However, the same would be subject to payment of costs of with costs of Rs.40,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, within two months from receipt of a certified copy of this order.

Petition is allowed in above terms.

May 21, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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