

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

2026:PHHC:010802



CRM-M-8970-2025 (O&M).
Date of decision: 23.01.2026.

HARJIT SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- None for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of DDR No.047 dated
23.12.2023, under Section(s) 451, 427, 506, 148 and 149 of the Indian Penal
Code, 1860, recorded at Police Station Chheharta, District Police
Commissionerate, Amritsar, District Amritsar, Punjab, in cross case bearing
FIR No.0280 dated 21.12.2023 under Section(s) 452, 427, 148 and 149 of
the Indian Penal Code, 1860, registered at Police Station Chheharta, District

Police Commissionerate, Amritsar, District Amritsar, Punjab, along with all subsequent proceedings arising therefrom on the basis of compromise dated 29.07.2024 (Annexure P-2).

2 Briefly summarised, aforesaid FIR was registered on the statement of Sarabjit Kaur wife of Harjinder Singh, resident of House no. 34/14 Baba Darshan Singh Avenue, Kale Ghanupur, Ram Tirath Road, Amritsar. The translated version of the same is reproduced as under: -

“I am resident of the aforementioned address and I am a household wife. That my husband is working in the Punjab Police, further I have three children, i.e. Elder son Jashandeep Singh, younger son Sandeep Singh and the youngest daughter Gurpreet Kaur. That on 12.12.2023 me, my elder son Jashandeep Singh and my younger daughter Gurpreet kaur were present at the house on the same day My younger son Mandeep Singh @ Sunny had went to Mehta to attend a program over there and my husband Harjinder Singh had went to Madhya Pardesh in regard to his duty. That at about 9.15 in the night. I was making food and due to the wedding of my niece there were some guests in the house. That 10/15 unidentified persons had come to the house of the residents of our neighbourhood namely Harjit Singh and Balbir Singh Fauji and in this regard I have informed to my husband on phone. Therefore, after some time, Harjit Singh, Balbir Singh and those unidentified persons has started shouting in the street and also started to use abusive language. Further, Suddenly, they started throwing brick bats/stones at our house due to which windows of my house broke down. Moreover, they were also holding Datars and Kirpans. That the outside door of our house also broke down. At last they went away from the spot by threatening us. That brother-in-law of the Harjit Singh namely Tarjan Singh and his younger brother residents of Verka, Amritsar were also

involved along with the aforesaid persons. That the reason of the dispute is that few days ago we had an argument with them in regard to the on-going construction of the sewage pipeline in our street. That due to the aforesaid reason they have thrown brick bats/stones at our house and done damage to our house. That in this regard respectable persons have tried to affect compromise between us which could not be affected. That today I have come present in front of you and got my statement recorded to you. Appropriate legal action be taken against them. Statement has been read over to me. Heard it and found it correct.”

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 to appear before the learned trial Court/Illaq Magistrate vide order dated 25.09.2025 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, report has been received from the Judicial Magistrate First Class, Amritsar, vide Memo No.5 dated 04.12.2025. The relevant extract of the report is reproduced as under:-

“1. Only Four persons namely Harjit Singh, Balbir Singh, Sajan Singh and Tarjan Singh have been arrayed as accused in the present DDR.

2. The present petition has been filed by all the accused.

3. None of the accused in the present case have been declared as Proclaimed offender.

4. *Compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.*

5. *In addition to the present FIR, one other FIR bearing no. 177/21 under section 21-C/29,61,85 NDPS Act, P.S. Kathunangal, Amritsar has been registered against the accused Tarjan Singh. No other FIR has been registered against accused namely Harjit Singh, Balbir Singh and Sajan Singh.*

6. *As per statement of the parties and Investigating Officer, Sarabjit Kaur is only the complainant in the present DDR.*

7. *All the victims/injured/complainants have been impleaded as respondents in the present petition.”*

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 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 pertains to the year 2023 and the alleged act occurred more than two years ago.

(ii) It is a version and cross-version case, arising out of a dispute between neighbours wherein both sides have levelled allegations against each other, thereby reflecting a mutual altercation rather than a one-sided criminal act.

(iii) Petitioner(s) no. 1, 2, 3 and 4 are 45, 42, 29 and 29 years respectively and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligations as well as in their work place.

(vi) 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;

(v) In view of the version and cross version, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is bleak

(vi) The dispute has lost its adversarial character and the continuation of proceedings would serve no meaningful

purpose.

10 In view of the report of the Judicial Magistrate First Class, Amritsar 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. DDR No.047 dated 23.12.2023, under Section(s) 451, 427, 506, 148 and 149 of the Indian Penal Code, 1860, recorded at Police Station Chheharta, District Police Commissionerate, Amritsar, District Amritsar, Punjab, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 29.07.2024 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

January 23, 2026.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No