



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

272

CRM-M-15398-2026 (O&M)

Date of decision: 28.04.2026

SHAMSHER SINGH @ SHERA AND ANOTHER ... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Navrajdeep Singh, Advocate, for the petitioners.

Mr. RS Lekhi, AAG, Punjab.

Mr. VVS Mann, Advocate for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

1. The present petition under Section 528 BNSS has been filed for quashing of FIR No.206, dated 11.08.2013, registered under Sections 307, 341, 324, 506, 34 IPC at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom on the basis of the compromise dated 14.03.2026 (Annexure P-4).

2. Learned counsel for the petitioners submits that the injury was caused on the non-vital part of the body and with the intervention of respectables, the matter has since been compromised between them.

3. This Court vide order dated 23.03.2026, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

4. Pursuant to the aforesaid order, report dated 15.04.2026 has been received from the Ld. Judicial Magistrate 1st Class, Amritsar. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are two accused. None of the accused has been declared as proclaimed offender and are not involved in any other FIR.

5. Heard.

6. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab**, 2007 (3) RCR (Criminal) 1052, held that High Court has power

under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. It is apposite to make a reference to the judgment of Hon'ble The Supreme Court of India in the case of **B.S. Joshi vs. State of Haryana**, (2003) 4 SCC 675, wherein it was observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. It was laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing.

8. In the case of **Gian Singh Vs. State of Punjab and another**, 2012 (4) RCR (Criminal) 543, Hon'ble The Supreme Court of India had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of paras read thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

9. Hon'ble The Supreme Court of India in the case of **Yogendra Yadav vs. State of Jharkhand**, (2014) 9 SCC 653, held that “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) R.C.R.(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.”

10. Furthermore, in **Naushey Ali and others vs. State of UP and another**, 2025 INSC 182, Hon’ble the Supreme Court held thus:-

“19. Keeping in mind the surrounding circumstances, the nature of the weapon and the nature of the injury, on facts, we are inclined to conclude that the overt act attributed to the appellants does not bring the case within the four corners of the Section 307 of IPC, either on a stand-alone basis or as held above with the aid of Section 149 of IPC.

20. We are also inclined to conclude that considering the overall circumstances, the nature of the weapon and the nature of the injury (fracture of the head of distal phalanx of left ring finger), the offence alleged, on facts, does not fall in that category of cases where the court should deny relief in the event of a settlement. At the highest, the offence alleged could be one under Section 326 of IPC. It could not be said, on facts, considering all the circumstances that this is a crime which has such an harmful effect on the public and that it has the effect of seriously threatening the well-being of the society. We make it clear that we are saying so on the facts of the present case. We are also firmly of the opinion that proceeding with the trial, when parties have amicably resolved the dispute in the present case, would be futile and the ends of justice require that the settlement be

given effect to by quashing the proceedings. It would be a grave abuse of process to let this trial remain pending under the above circumstances, particularly when the dispute is settled and resolved.”

11. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

12. Resultantly, the present petition is allowed and FIR No.206, dated 11.08.2013, registered under Sections 307, 341, 324, 506, 34 IPC at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom, are quashed qua the petitioners on the basis of the compromise dated 14.03.2026.

(AMAN CHAUDHARY)
JUDGE

28.04.2026

M. Kamra

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