



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

202

CRM-M-37094-2025(O&M)

Date of decision: 28.04.2026

Harmander Singh @ Harminder Singh

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Jaskirat Singh Dhaliwal, Advocate for the petitioners.

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

Mr. Randeep Singh Gill, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of FIR No. 219, dated 07.09.2022 registered under Sections 379, 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 (Section 411 of IPC added later on vide DDR No.28, dated 13.09.2022) at Police Station Lambi, District Sri Muktsar Sahib, Punjab alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 21.05.2025 (Annexure P-2).

2. The aforesaid FIR was registered on the complaint of Sarpanch Gram Panchayat Village Bidowali, Sri Muktsar Sahib, relevant part of which is extracted as under:-

“.....we are all residents of Gram Panchayat Village Bidowali Tehsil Giddarbaha District Sri Muktsar Sahib and that a pond has been built at Bidowali village which has a motor for draining the dirty water of the said pond due to which the said person does not allow to run the motor to drain the dirty water and he has opened the motor, starter, etc and has

taken to his house due to which he is causing damage to government property. Before this also he had opened the old motor and articles and misappropriated the same, due to which we all the residents of the village and the panchayat have a lot of trouble with the dirty water of the pond, due to which we all are very disturbed by this person.”

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition. The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 16.07.2025 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, report has been received from the Judicial Magistrate First Class, Malout, vide Memo No.1374 dated 22.08.2025. The relevant extract of the report is reproduced as under:-

“Therefore, in view of the above circumstances, as have arisen from the statements of the parties, the following point-wise report is submitted as desired please:

- 1. As per the version of IO, one person was arrayed as accused i.e. (1) Harmander Singh @ Harminder Singh son of Balraj Singh house No. 210 Near Mander, Bidowali, Sri Muktsar Sahib in the above mentioned FIR.*
- 2. As per the version of IO, the present petition has been filed by all the accused.*
- 3. As per the version of IO, none of the accused was declared proclaimed offender.*
- 4. As per the version of parties, the compromise has been effected voluntarily, without undue influence, any coercion, pressure, fraud or misrepresentation and with the free will of the parties only. As per the version of*

parties, the compromise is genuine and valid.

5. As per the version of IO, accused is not involved in any other FIR except this FIR.

6. As per the version of IO, there is only one victim/complainant i.e. Amanpreet Kaur @ Amanpreet Kaur Sarpanch wife of Gurmeet Singh in this FIR and challan in this case is already presented in the Court.

7. As per the version of IO, all the victims/complainants have been impleaded as respondent in the present petition.”

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 guidelines governing the exercise of powers under Section 482 of the Code of Criminal Procedure were summarized by the Hon'ble Supreme Court in the matter of **Narinder Singh vs. State of Punjab, 2014 (2) RCR(Criminal) 482**, wherein it was held as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if

proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the

case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

8. The Co-ordinate Bench of this Court vide order dated 31.08.2023 passed in CRM-M- 17427-2023 titled as “***Gurbinder Singh Dhillon v State of Punjab and Another***” quashed an FIR for commission of offence under Section 3 of Prevention of Damage to Public Property Act on the basis of compromise.

9. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- (i) It is established from the report of Judicial Magistrate, 1st Class, Malout that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- (ii) The FIR pertains to the year 2022 and the prolonged pendency of criminal proceedings has itself caused continued anxiety and hardship to the parties, without any corresponding advancement to the cause of justice.
- (iii) Petitioner is a middle aged person and continuation of

criminal proceedings would hamper his prospects and affect the discharge of his family and social obligations.

(iv) In view of the compromise so arrived at, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is also bleak.

(v) The continuation of criminal proceedings would serve no larger public purpose and would only result in unnecessary harassment of the parties and futile expenditure of valuable judicial time.

10. In view of the report of the Judicial Magistrate First Class, Malout and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The FIR No. 219, dated 07.09.2022 registered under Sections 379, 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 (Section 411 of IPC added later on vide DDR No.28, dated 13.09.2022) at Police Station Lambi, District Sri Muktsar Sahib, Punjab alongwith all subsequent proceedings arising therefrom is hereby quashed in view of the compromise dated 21.05.2025 (Annexure P-2) subject to depositing of costs of Rs.10,000/- to the Gram Panchayat, Village Bidowali, District Sri Muktsar Sahib.

11. Petition is **allowed** in the above terms.

28.04.2026

Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No