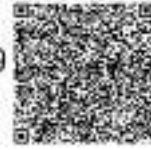


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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2026:PHHC:005049



CRM-M-42260-2025 (O&M)

Date of decision: 15.01.2026.

RAMANDEEP SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. G.S. Simble, Advocate,
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. Iqbal Singh Mann, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

CRM-32386-2025

Application is allowed as prayed for subject to all just exceptions.

Annexures P-3 and P-4 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.42 dated 05.05.2025 under Section(s) 109, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Dorangla, District Gurdaspur along with all subsequent proceedings arising therefrom on the basis of compromise dated 28.07.2025 (Annexure P-2).

2 Briefly summarised, aforesaid FIR was registered on the statement of Amarjeet Singh son of Sh. Gurmej Singh, which reads as thus: -

“I am a resident of the above-mentioned address and work as agriculturalist. Today at around 5:15 PM, I was present at Base Auto Repair, Dorangla, with my son Akashdeep Singh to get our motorcycle serviced, when Ramandeep Singh, son of Mukhtiar Singh, armed with a datar, Karandeep Singh, son of Ranjit Singh, armed with a datar, Mukhtiar Singh, son of Sulakhan Singh armed with an iron rod, Harmandeep Singh son of Ranjit Singh empty-handed; and Ranjit Singh son of Sulakhan Singh all residents of Dorangla, came there. Among them, Harmandeep Singh shouted that our paternal aunt's daughter Amandeep Kaur, daughter of Lakhbir Singh, resident of Deol, has married Akashdeep Singh without our consent, today we will teach him a lesson. Then Ramandeep Singh attacked me twice on the head with his datar intending to kill me and both blows hit my head. Karandeep Singh then struck me with the blunt side of his datar, which hit near the wrist of my left arm. I fell to the ground. While I was lying on the ground, Mukhtiar Singh hit me twice on my back with his iron rod. Ramandeep Singh and Karandeep Singh then attacked my son Akashdeep Singh with their sickles, causing him serious injuries. As common people started gathering and watching, the accused fled the scene on

their motorcycles with their weapons. Upon hearing our cries of "we are being killed," my brother Sukhdev Singh, son of Vassan Singh, resident of Dorangla, and my wife Paramjit Kaur arrived at the spot, arranged the vehicle, and took me and my son Akashdeep Singh to Civil Hospital Gurdaspur, where the doctor gave us first aid and prepared a medical report. My son was admitted and I was referred after some time.

My family members got me admitted to Abrol Hospital, Gurdaspur for further treatment, where I am currently under treatment. The motive behind this enmity is that my son Akashdeep Singh married the niece of Mukhtiar and Ranjit Singh, which they did not accept, and due to this grudge, they attacked and injured me and my son. I demand action be taken against the accused. You have written and heard my statement. which is correct."

3 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 15.09.2025 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.

4 Pursuant to the said order, report has been received from the Judicial Magistrate First Class, Gurdaspur, vide Memo No.567 dated 10.11.2025. The relevant extract of the report is reproduced as under:-

"1. There are five accused namely Ramandeep Singh, Karandeep Singh, Mukhtar Singh, Harmandeep Singh and Ranjit Singh in the FIR. They appeared and have made statement.

2. There is one complainant namely Amarjit Singh and one victim namely Akashdeep Singh.

3. All the accused and complainant victim are parties to the

compromise and recorded their statement.

4. No other party to the present FIR is left for recording of statement.

5. The accused persons are not declared Proclaimed Offender in the present case or in any other case nor any such proceedings against them have been initiated or pending adjudication.

6. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

7. No other FIR against accused persons is pending or decided.

8. The statement of ASI Bhupinder Singh No. 34/GSP P.S.

Dorangla is also recorded as per which there are four accused and one complainant in present FIR.

In compliance of order dt. 15.09.2025, the accused have also deposited the cost of Rs.10,000/- each (total of Rs.50,000/- and receipt dt. 16.10.2025 is also attached herewith.

In my opinion, the compromise between the parties is genuine, voluntary and without any coercion or undue influence. The report regarding compromise is submitted please.”

5 Learned counsel for respondents No.2 and 3 reiterates the settlement and concurrence to the FIR and all the other consequential proceedings being quashed.

6 Learned counsel appearing for the petitioners submits that the essential ingredients constituting the offence under Section 109 of the

Bharatiya Nyaya Sanhita, 2023, are wholly absent in the present matter. It is contended that Section 109 BNS necessarily requires a clear and specific intention to cause such bodily injury as would fall within the ambit of an attempt to commit murder and that no such intention can reasonably be inferred from the facts on record. Counsel contends that the occurrence arose out of a sudden confrontation rooted in a familial dispute relating to the marriage of the complainant's son and not out of any premeditated design to cause death. The petitioner is attributed certain blows with a datar and an iron rod resulting in injuries on the head, wrist and back of the complainant and injuries to his son; however, the incident is stated to have ceased immediately upon the gathering of people, with no persistence in the assault, no pursuit and no further overt act indicative of a settled intention to kill. The injury was opined as grievous but not dangerous to life, hence, prima facie, Section 109 of the Bharatiya Nyaya Sanhita, 2023 is not made out. The conduct reflects at best an impulsive act committed in the heat of the moment and cannot be elevated to the level of an offence involving the requisite mens rea for attempting to cause death.

7 Status report already filed on behalf of the respondent-State is taken on record. Learned State counsel, does not dispute the legal position so advanced. He fairly submits that the application of Section 109 BNS in the given factual matrix would not be supported by any material indicative of an intention to commit an offence of such magnitude. He further concedes that the facts may, at best, give rise only to an offence under Section 118(2) BNS, which is compoundable in nature. The State counsel also does not dispute the compromise effected between the parties and raises no substantial objection

to the dispute being resolved in terms of the said settlement.

8 I have heard the learned counsel for the parties and have gone through the documents appended with the present petition.

9 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.”

10 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.

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 allegations arise out of a purely personal and familial dispute relating to the marriage of the complainant's son, which was allegedly not accepted by the accused party, thereby indicating that the occurrence stemmed from inter se family discord rather than any criminal activity affecting society at large.

(ii) The incident appears to have occurred in the heat of the moment, triggered by accumulated resentment over the matrimonial alliance and escalated into a sudden

confrontation at a public place, reflecting a spur-of-the-moment altercation rather than a premeditated criminal act.

(iii) Petitioner No.1 is aged about 19 years, petitioner no.2 and 4 are in their early twenties while petitioner no.3 and 5 are in their late forties and continuation of criminal proceedings is likely to have a serious and disproportionate impact on their career and future prospects and in the discharge of his social and professional obligations.

(iv) The dispute is entirely private and personal in nature, having its genesis in family relations and matrimonial issues and does not involve any element of public disorder, public peace or societal impact warranting continuation of criminal proceedings.

(v) Significantly, the parties have amicably settled their disputes and entered into a compromise with the intervention of respectable members of the family and village elders, thereby restoring peace and harmony between them.

(vi) In view of the compromise so effected, the likelihood of the complainant and other injured witnesses supporting the prosecution case is remote and the probability of securing a conviction is also bleak.

(vii) The continuation of criminal proceedings, notwithstanding the amicable settlement between closely related parties, would serve no larger public interest and would only result in unnecessary harassment of the parties and futile expenditure

of valuable judicial time.

(viii) The offences cannot be characterised as heinous or of such gravity as to shock the conscience of society at large or of this Court.

(ix) In the totality of the circumstances, permitting the prosecution to continue despite a lawful and voluntary compromise would amount to an abuse of the process of law, and the ends of justice would be better served by quashing the FIR and all consequential proceedings arising therefrom.

12 In view of the report of the Judicial Magistrate First Class, Gurdaspur 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.42 dated 05.05.2025 under Section(s) 109, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Dorangla, District Gurdaspur, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 28.07.2025 (Annexure P-2) entered between the parties.

13 Petition is allowed in above terms.

January 15, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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