



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-47183-2025 (O&M)

Date of decision: 05.05.2026

Jagandeep Singh and others

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. M.K. Sharma, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

Mr. Ritesh Sharma, Advocate for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for seeking quashing of FIR No.0018 dated 23.02.2025, under Section(s) 109, 331 (7), 191 (3), 190, 61 (2) BNS, 2023 registered at Police Station Jhabal, District Tarn Taran, along with all the subsequent proceedings arising therefrom on the basis of compromise dated 29.04.2025 (Annexure P-2).

2. The facts of the present case, in brief, are that the FIR was registered on the statement of Rajwinder Kaur wife of Paramjit Singh, resident of Village Padhri Kalan, Police Station Jhabal, District Tarn Taran. The complainant stated that she is a homemaker and resides with her husband, son Jagroop Singh and daughters Jaspreet Kaur and Roopkirandeep Kaur, her elder daughter having already been married. It was alleged that on 23.02.2025, the complainant and her family members had attended a marriage function of a relative in the village, where the “bangle ceremony”

had taken place on 21.02.2025. At about 8:30 PM, her husband Paramjit Singh was sent back home as nobody was present there, while the remaining family members stayed back at the venue of the function. Later, at about 10:30–11:00 PM, while the family was returning home, they heard screams emanating from their house. The complainant stated that upon rushing towards the house along with her sister-in-law, Lakhwinder Kaur, she noticed Jagandeep Singh son of Dilbagh Singh and his nephew Vishaldeep Singh standing near the house on a motorcycle. It was further alleged that shortly thereafter, co-villagers Varinder Singh son of Mukhtiar Singh @ Pappa and Harjinder Singh son of Baldev Singh @ Balla, emerged from inside the house armed with a datar and having blood-stained hands. According to the complainant, the accused persons, upon noticing the complainant and her relatives approaching, fled from the spot on motorcycles towards the side of Village Bhura Road. It was further alleged that upon entering the house, the complainant found her husband Paramjit Singh lying in the courtyard in an injured condition and covered in blood. Thereafter, with the assistance of relatives and villagers who had gathered at the spot, the injured was initially taken to a private hospital at Bhikhiwind and subsequently shifted to Guru Nanak Dev Hospital, Amritsar and thereafter to Amandeep Hospital, Amritsar, where he remained under treatment. The complainant further alleged that the motive behind the occurrence was an earlier murder case registered in the year 2021 relating to the death of one Shagundeep Singh son of former Sarpanch Rashpal Kaur, in which certain relatives of the complainant had been arrayed as accused. It was alleged that her husband Paramjit Singh was pursuing the said case and

had also deposed therein as a witness. In that connection, Dilbagh Singh had extended threats to the complainant's husband and son on several occasions. On the basis thereof, the complainant alleged that the named accused persons, along with two unidentified persons, had entered their house armed with weapons and assaulted her husband with the intention to kill him and that Dilbagh Singh was the mastermind behind the occurrence. It was further stated that, being under shock due to the incident and the condition of her husband, she could not immediately record her statement, which was subsequently recorded later.

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 trial Court/Illaq Magistrate vide order dated 27.08.2025 and subsequent orders 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 1st Class, Tarn Taran vide Memo No. 844 dated 23.10.2025. The relevant extract of the report is reproduced as under:-

“(i) Total number of persons found involved as accused in the dispute/FIR:

Having gone through the statements of the parties, this court finds that there are five accused namely Jagandeep Singh son of Dilbagh Singh, Varinder Singh son of Mukhtar Singh, Rajinder Singh @ Harjinder Singh son of Baldev Singh, Dilbagh Singh son of Havela Singh and Pardeep Singh @ Vishaljeet Singh son of Jasbir Singh who are nominated as accused in the present FIR.

(ii) Number of complainant/victim(s):

Having gone through the statements of the parties, this court finds that there are two complainant namely Rajwinder Kaur wife of Paramjit Singh and Paramjit Singh son of Jagir Singh who are the complainant/victim(s) in the present FIR.

(iii) Whether all the accused and complainant/victims are party to compromise and signed the same.

Having gone through the statements of the parties, this court finds that all the accused and complainant/victims are party to compromise and signed the same.

(iv) In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof, OR His/her statement is still to be recorded, in compliance to the direction of this court, details of such person:

Having gone through the statements of the parties, this court finds that no any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before Hon'ble High Court.

(v) Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication:

Having gone through the statements of the parties, this court finds that the accused have not been declared proclaimed offender by any competent Court of law nor any such proceeding have been initiated and pending against them.

(vi) ***Report of court whether compromise is genuine, voluntary and without any coercion or undue influence:***

So as to give opinion with regard to genuineness or otherwise of the compromise, the undersigned had recorded statement of complainant namely Rajwinder Kaur and Paramjit Singh who are the complainant in the case titled as "Jagandeep Singh & others Versus State of Punjab and others".

In their statement, the present complainant had stated that the present FIR was registered at their instance against the present accused.

They further stated that now with the intervention of the respectable persons of the society and other close concerned persons, they with their own sweet will and consent, without there being any pressure or coercion or any undue influence from any quarter has entered into the compromise with the accused person. They further stated that the compromise was executed with their free will and consent, fully understanding the consequences of the same. They have placed on record photocopy of their Aadhar cards as Ex.C6 and Ex.C7.

They further stated that they are suffering the present statement with their free will and consent, fully understanding the legal consequences of the same, without there being any pressure, coercion or undue influence from any quarter.

They further stated that they have arrayed the accused namely Jagandeep Singh, Varinder Singh, Rajinder Singh @ Harjinder Singh,

Dilbagh Singh and Pardeep Singh @ Vishaljeet Singh as accused in the present case. They further stated that they have no objection, if the present accused are acquitted from the present case on the basis of compromise so effected between them. No other case or complaint is pending between them and they are party to this compromise and none of them have been declared proclaimed offender by any competent court of law nor any such proceedings have been initiated or pending against them and none of them is left out or not arrayed as party in 'this quashing petition. They were duly identified by their counsel Sh. Gurinder Singh Sandhu Advocate.

Similarly, the joint statement of accused/petitioners was also recorded, wherein they had stated that the present FIR was registered against them on the statement of complainant Rajwinder Kaur and Paramjit Singh.

They further stated that with the intervention of the respectable persons of the society and other close concerned persons, they with their own sweet will and consent, without there being any pressure from any quarter, had voluntarily entered into the compromise with the complainant with their free will and consent. A written compromise has already been executed between the parties and had placed on record photocopy of their Aadhar cards as Ex.C1 to Ex. C5.

They further submitted that they are suffering the present statement with their free will and consent, fully understanding the legal consequences of the case, without there being any

pressure, coercion or undue influence from any quarter.

They humbly prayed that the present FIR along with other consequential proceedings may kindly be quashed against them and they may be acquitted on the basis of compromise so effected between them. They all are party to this compromise i.e themselves and the complainant and apart from then no other person is involved in the present case and were not declared proclaimed offender by any competent court of law and no any criminal case is pending against them. They were duly identified by their counsel Sh. AS Aulakh, Advocate.

(vii) Any other aspect relevant to the present case.

No other aspect relevant to the present case was brought to the notice of the court of the undersigned either by complainant or by accused party and hence no other aspect is involved.”

6. Learned counsel appearing on behalf of respondents No. 2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed and affirmed during statement before the trial Court.

7. Learned State counsel does not dispute the factum of the compromise amongst the parties. However, he submits that the petitioners have been charged with commission of offence under Section 307 IPC, which is non-compoundable.

8. Learned counsel appearing on behalf of the petitioners submits that the incorporation of the offence punishable under Section 307 of the

Indian Penal Code is wholly misconceived and unsupported by the factual matrix emerging from the FIR as well as the material collected during investigation. It is contended that a plain reading of the allegations reveals that the occurrence is stated to have arisen out of a pre-existing village rivalry and prior litigation pertaining to the murder case registered in the year 2021 relating to the death of one Shagundeeep Singh, wherein certain relatives of the complainant party had been arrayed as accused and the injured Paramjit Singh was pursuing the said proceedings and had appeared therein as a witness. Counsel submits that the allegations, even if taken at their face value, at best disclose an assault arising out of prior animosity and cannot, by themselves, be elevated to an offence punishable under Section 307 IPC in the absence of the essential ingredient of intention or knowledge to cause death.

9. He contends that the gravamen of an offence under Section 307 IPC lies not merely in the nature of injuries sustained but in the existence of a specific mens rea of such degree that, had death ensued, the act would have amounted to murder. Learned counsel submits that there is no allegation suggesting persistence in assault, repeated targeting of vital parts with lethal force or any conduct indicative of a determined intention to ensure death of the injured.

10. Learned counsel further contends that there is no medical opinion on record declaring any injury to be “dangerous to life” and even the injury attributed on the head has been opined to be simple in nature. Thus, the invocation of Section 307 IPC appears to have been founded merely upon the seat of injury and generalized allegations regarding the weapons

carried by the accused, rather than upon the actual effect, gravity or medical consequence of the injuries sustained.

11. It is further argued that the mere use of a sharp-edged weapon or the existence of previous enmity cannot automatically attract Section 307 IPC unless the surrounding circumstances unmistakably disclose the requisite intention or knowledge contemplated under the provision. The allegations in the present case, at best, reflect an impulsive act arising from previous hostility between the parties and not an assault imbued with the degree of mens rea necessary to constitute an offence of attempt to murder. It is accordingly contended that the allegations, even if accepted in their entirety, fail to satisfy the statutory requirements of Section 307 IPC and, therefore, the invocation of the said provision is wholly unwarranted in the facts and circumstances of the present case.

12. Learned State counsel, does not dispute the legal position so advanced. He fairly submits that the application of Section 307 IPC in the given factual matrix would, at most, be circumstantial and not 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 326 IPC, 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.

13. In the case of '*Narinder Singh and others Vs. State of Punjab and another*' reported as **(2014) 6 SCC 466**, Hon'ble Supreme Court has laid down the guidelines for exercising powers under Section 482 Cr.P.C.

for quashing of proceedings. The relevant paragraphs are extracted as under:-

“29. *In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

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.”

14. 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 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.”

15. Further, in the matter of **BS Joshi v State of Haryana, 2003 (2) RCR (Criminal) 888**, Hon’ble Supreme Court observed that for the purpose of securing the ends of justice, quashing of FIR on the basis of compromise in non compoundable offence is permissible.

16. 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- a. It is evident from a perusal of the record that the parties are co-villagers and are known to each other for a considerable period of time and with the intervention of respectable persons of the locality and family elders, the dispute has now been amicably resolved between them.
- b. The compromise effected between the parties is genuine, voluntary, and without any coercion, undue influence or pressure and the complainant party no longer wishes to pursue the criminal proceedings against the petitioners.
- c. The petitioners are stated to be aged about 24, 29, 53, and 22 years respectively and are individuals having social, familial, and professional responsibilities. Their continued involvement in criminal proceedings and possible incarceration would cause grave prejudice to their livelihood, reputation, and ability to discharge their obligations towards their respective families.
- d. The FIR pertains to the year 2025 and the proceedings are still at a preliminary stage. No substantial progress has been made in the trial and, therefore, no prejudice would be caused if the proceedings are brought to an end at this juncture.
- e. The occurrence in question essentially arises out of personal animosity and village rivalry between the parties

and does not involve any issue affecting the society at large, public tranquillity or the larger public interest.

- f. The nature of the alleged acts does not disclose the requisite *mens rea* for the graver offence under Section 109 of the Bharatiya Nyaya Sanhita, 2023, further diminishing the justification for prolonging prosecution.
- g. The offences alleged, in the peculiar facts and circumstances of the present case, cannot be categorised as heinous offences of extreme mental depravity or such offences as would shock the conscience of society or undermine public morality.
- h. Continuation of criminal proceedings despite settlement between the parties would only perpetuate hostility and bitterness amongst co-villagers, whereas quashing of the FIR would facilitate restoration of peace, harmony and cordial relations within the village community and would merely result in unnecessary harassment to the parties and wastage of valuable judicial time and resources.
- i. In view of the compromise so arrived at, the complainant and material witnesses are not likely to support the prosecution case during trial, thereby rendering the possibility of conviction remote and bleak.
- j. There is nothing on record to indicate that the petitioners are habitual offenders or possess criminal antecedents, thereby suggesting that the occurrence was isolated in

nature and arose out of a personal dispute between the parties.

- k. Quashing of the FIR and all consequential proceedings would secure the ends of justice, prevent abuse of the process of law, and promote lasting peace and harmony between the parties.

17. In view of the report of the Judicial Magistrate 1st Class, Tarn Taran and the principles laid down by the Apex Court on the subject, the instant petition is allowed. FIR No.0018 dated 23.02.2025, under Section(s) 109, 331 (7), 191 (3), 190, 61 (2) BNS, 2023 registered at Police Station Jhabal, District Tarn Taran, along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 29.04.2025 (Annexure P-2). However, the same would be subject to payment of costs of Rs.50,000/- to be deposited by the petitioners with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh within a period of two month(s) from receipt of certified copy of this order.

18. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

05.05.2026

Mangal Singh

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