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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-47655-2025 (O&M).

Date of decision: 17.04.2026.

Harmanpreet Singh and another

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. Sukhbir Maandi, Advocate,
for the petitioners.

Dr. Savi Nagpal, AAG, Punjab.

Mr. J.S. Mahal, Advocate,
for respondents No.2 & 3.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.72 dated
25.04.2025 under Section(s) 118(1), 126(2), 351(2), 109, 191(3) & 190
BNS, 2023, registered at Police Station B Division, District Police
Commissionerate Amritsar, along with all subsequent proceedings arising
therefrom on the basis of compromise dated 30.07.2025 (Annexure P-2).

2 Briefly summarised, aforesaid FIR was registered on the
statement of Harpreet Singh son of Tejinder Singh. The translated version of
the same is reproduced as under: -

“Statement of Harpreet Singh son of Tejinder Singh resident of House No. 6, Gali No. 1, Ganda Singh Colony, Tarn Taran Road, Asr., aged about 47 years, Mobile No. 98140-71965. Stated that I am resident of above noted address and doing the work of D.J. On 24.04.2025, at about 9:00 PM, when I was coming back to home from work then I met Harmanpreet Singh son of Jaswinder Singh resident of Ganda Singh Colony, Tarn Taran Road, Amritsar, who lives in the house of Dhillon. At the instigation of Dhillon, the owner of the house, he stopped me on the way and gave a Kirpan blow to my head. The brother of Harmanpreet Singh then beat me and I fell down on the ground. Harmanpreet Singh hit me on the head several times with the Kirpan, which he was holding in his hand, while I lay on the ground and caused injuries to me. I raised Alarm Maar Ditta Maar Ditta and then my wife Kulbir Kaur and my son came on the spot to save me. The assailants started beating my son and on hearing noise, the public started gathering there and the assailants fled away from the spot along with their weapons. The motive of revenge is that they had a grudge with me because of an old Car accident. I went to the Civil Hospital Amritsar for treatment after getting a docket from Police Station. My son Noorpreet Singh also came to the Hospital behind me but they stopped him on the way and hit on his head with a sharp object with the intention to kill him. They also gave injuries to my son Noorpreet Singh. Harmanpreet Singh and his brother attacked me and my family on the instigation of landlord Dhillon along with 4/5 unknown persons. On receipt of MLR Report, I will be presented before you. Kindly take legal action against them. I got recorded my statement in the presence of my son Noorpreet Singh, heard and found 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 20.11.2025 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 Ist Class, Amritsar, vide Memo No.629 dated 16.12.2025. The relevant extract of the report is reproduced as under:-

“i. As per the statement of complainant and IO, there are two accused persons namely Harmanpreet Singh and Harwinder Singh are arrayed in the FIR No. 72 dated 25.04.2025 under Section 118 (1), 126 (2), 351 (2), 109, 191 (3), 190 of BNS, P.S. B-Division, Amritsar have appeared in the court and recorded their statement.

ii. As per the statement of IO, accused Harmanpreet Singh and Harwinder Singh have not been declared proclaimed offender in the present case.

iii. As per the statement of complainant and IO, there is one complainant Harpreet Singh and one injured/aggrieved Noor Preet Singh in the present FIR and they have appeared and made the statement in support of the compromise.

iv. As per the statement of IO, there are two accused persons namely Harmanpreet Singh and Harwinder Singh who are arrayed in the present FIR.

v. As per the statement of complainant and IO, there is one complainant Harpreet Singh and one injured/aggrieved Noor Preet Singh in the present FIR.

vi. As per statement of IO and Ahlmad, the present case is at the stage of investigation.

vii. As per the statements of the parties, compromise is genuine, voluntary and without any kind of undue influence or pressure and

out of free will of the parties.”

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

7. Learned counsel for both the parties contend that Section 119 of BNS has been added on account of the perceived intent and not because the injury was otherwise dangerous to life. They further contend that there was an enmity between the parties and that there were no injuries, dangerous to life, on any vital part of the body. The grievances have now been settled and parties have resolved their disputes for a peaceful co-existence. They further contend that the injuries were neither gruesome or posed apprehension to the society. It was a dispute between two rivals sustaining injuries, which are largely personal by nature.

8 Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the settlement of the dispute amongst the parties.

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 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 took place on account of grudge between the

parties due to an old car accident;

(ii)The petitioners are in their thirties and twenties, respectively;

(iii)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.

11 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. FIR bearing No.72 dated 25.04.2025 under Section(s) 118(1), 126(2), 351(2), 109, 191(3) & 190 BNS, 2023, registered at Police Station B Division, District Police Commissionerate Amritsar, Punjab, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 30.07.2025 (Annexure P-2) entered between the parties, subject to deposit of costs of Rs.70,000/- by the petitioners (Rs.35,000/- each) with the "Red Cross Old Age Home" A/c No.50100286016319, IFSCHDFC0004030, HDFC Bank, Sector-15, Panchkula.

12 Petition is allowed in above terms.

17.04.2026
SN

(VINOD S. BHARDWAJ)
JUDGE

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