



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

253

CRM-M-48378-2025 (O&M)

Date of decision: 23.01.2026

Partap Singh and another

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- None for the petitioners.

Mr. Mohit Kapoor, Sr. DAG Punjab.

None for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.0096 dated 07.11.2024 under Sections 324(4), 324(5), 351(1), 132, 221, 190 of the BNS, 2023 registered at Police Station Valtaha, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2025 (Annexure P-2).

2. A written request for an adjournment has been circulated by the arguing counsel for the petitioners, who is stated to be in personal difficulty.

3. FIR in the present case was registered on the statement of respondent No.2-Jaspal Singh son of Darshan Singh resident of Ratoke Hawellian. The contents of the same reads as:

“I am resident of above mentioned address and I am working as

Driver on Bus Number PB 02 DQ 2437 with Punjab Roadways Amritsar Depo Number 1 on contract basis and along with me on the same bus Gurpreet Singh S/o Sakatar Singh R/o Assal Uttar works as a conductor on contract basis. As usual we leave from Khem Karan at about 08:10AM for Amritsar via Amarkot, Algon Kothi. On dated 06.11.2024 as the bus was filled with passengers we did not stop the bus at Algon Kothi. Subsequently, a person came on a motorcycle carrying a female passenger and stopped them in front of Chungh College. While the passengers were getting off from the bus, the said person started arguing with us not stopping the bus. We explained that we could not stop the bus as the bus was overloaded. The said person went away by saying that he will confront us the following day. We didn't take his threat seriously and we continued our journey towards Amritsar. On dated 07.11.2024 at about 08:40AM, when reached near at Chakki Adda and the passengers were getting off the bus, the above mentioned person namely, Partap Singh S/o Sewa Singh R/o Algon Kalan alongwith 5-7 unrecognized persons opened my door and started beating me. I locked the door of the bus and one unidentified person picked up a khurpa from a nearby peanut stall and hit the same on the front windshield of the bus due to which the main windshield of the bus broke. Partap Singh threw a brick at the Conductor side glass and broke it. Partap Singh also broke the glass of the driver side. Upon hearing the noise and commotion many shopkeepers and public gathered and all the accused ran away from the spot by threatening to kill us. I along with Conductor Gurpreet

Singh came to inform you that you have met us. Action should be taken against the accused as per law.”

4. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

5. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 01.09.2025 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.

6. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Patti vide Memo No. 530 dated 20.10.2025.

The relevant extract of the report is reproduced as under:-

- (i) As per the statement of Investigating Officer ASI Sunil Dutt 710/T.T, petitioners and respondents there are two persons which are arrayed as accused in the present case.
- (ii) As per the statement of petitioners and respondents there is only one victim namely Gurpreet Singh son of Sakattar Singh in the present case and one complainant in the present case namely Jaspal Singh son of Darshan Singh but as per the statement of ASI Sunil Dutt, investigating officer in the present case there is no victim in the present case and there is one complainant in the present case namely Jaspal Singh son of Darshan Singh.
- (iii) As per the statement of petitioners and respondents all the accused and Complainant/victims are parties to compromise and signed the same

- (iv) As per the statement petitioners and respondents no affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before the Hon'ble High Court.
- (v) As per the statement of Investigating Officer and petitioners none of the accused is proclaimed offender in the present case and no such proceedings against him/her have ever been initiated or no such adjudication is pending against any of the accused.
- (vi) As per statement of the parties suffered which are on record, the compromise made by the parties appears to be genuine, voluntary and without any coercion or undue influence.

7. Status report filed by way of affidavit dated 25.10.2025 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

8. 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.

9. In the statement recorded before the trial Court, respondents No.2 & 3 affirmed the factum of compromise and their concurrence to the FIR and all the other consequential proceedings being quashed.

10. The broad principles for exercising the powers under Section 482 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 non-compoundable.

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.”

11. The Hon'ble Supreme Court has held in '**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.

12. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

13. 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:-

- i) *The dispute arose owing to some misunderstanding between the parties and now the same has been settled.*
- ii) *Petitioner(s) no.1 and 2 are of 49 and 27 years of age respectively and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligations as well as in their work place.*
- iii) *The FIR in question pertains to the year 2024 and the proceedings are still at an early stage. Putting an end to the proceedings will bring peace and tranquility among parties.*
- iv) *The offence in question cannot be said to be heinous or as an offence that would shock the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;*
- v) *Continuation of the proceedings with the complainant*

unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile expenditure of judicial time.

vi) *The parties have voluntarily entered into an amicable settlement, and the compromise deed is duly placed on record, reflecting that the complainant has chosen to put the dispute to rest.*

14. In view of the report of the Judicial Magistrate 1st Class, Patti 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 No.0096 dated 07.11.2024 under Sections 324(4), 324(5), 351(1), 132, 221, 190 of the BNS, 2023 registered at Police Station Valtaha, District Tarn Taran along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s), on the basis of compromise dated 05.07.2025 (Annexure P-2). However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by each of the petitioner(s) with the Nishkam Sewa High Court Lawyers Society, Account No.43373609961, SBI High Court Branch, IFSC Code: SBIN0050306, Chandigarh within a period of two month(s) from receipt of certified copy of this order.

15. Petition is **allowed**.

(VINOD S. BHARDWAJ)
JUDGE

23.01.2026

Mangal Singh

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