

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026:PHHC:009851



CRM-M-52371-2025 (O&M).
Date of decision: 22.01.2026.

HARWINDER SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. Jaspreet Singh, Advocate,
for the petitioners.

Mr. Saurav Verma, Addl. A.G. Punjab.

Mr. Ajay Singh Pundir, Advocate, for
Mr. Nirmaljeet Singh Sidhu, Advocate,
for respondents No.2 to 5.

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.114 dated
03.08.2025 under Section(s) 109, 115(2), 118(1), 190 and 191 of the BNS,
2023, registered at Police Station Doraha, Police District Khanna, District

Ludhiana, Punjab, along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2025 (Annexure P-2).

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

“ Stated that I am a resident of the above address and I am an agriculturist. On 01.08.2025 at around 8 PM, my uncle Natha Singh S/O Malkit Singh resident of Bilaspur reached at the shop of my uncle Harjinder Singh on the paved road, then Harvinder Singh @ Bhola S/O Gurnam Singh, Pritam Singh S/O Gurnam Singh, Sukhjit Singh S/O Pritam Singh @ Joga Singh, Dalvir Singh S/O Harvinder Singh, Raja son of Sarwan, Babbu son of Bholu, Lakha S/O Chhota and 5/6 unknown persons started saying my uncle Natha Singh that their dispute is with Kesar Singh. They started altercation with my uncle. In the meantime, I along with my cousins Kulwinder Singh and Balwinder Singh also reached there. The above said persons were already were armed with swords, dah and sticks to fight. Dalvir Singh S/O Harwinder Singh was armed with Sword, Raja Singh S/O Sarwan Singh, Babu S/O Bhola Resident Bilaspur given blows with sticks in their hands, which hit at my right arm and left cheek, right arm as well as on my waist. My unele Natha Singh tried to save me, but the above said person also inflicted injuries to him with their weapons and when my cousin tried to save us from them, then Pritam Singh @ Joga Singh S/O Gurnam Singh, Harwinder Singh @ Bhola S/O Gurnam Singh attacked him with Kirpans in their hands, Lakha Singh S/O Chhota Singh armed with stick and Sukhjit Singh S/O Pritam Singh @ Joga Singh armed with Kirpan and 5/6 unknown persons attacked them and inflicted injuries. Kulwinder Singh suffered injuries on the head and arm.

Balwinder Singh suffered injuries on his head, arm and neck. The above said persons have inflicted injuries to me and my family members with the intention of killing and have inflicted injuries to us. My uncle Harjinder Singh has witnessed this incident. Then after hearing the noise of the quarrel, other people also reached at there, who saved us and our relatives and our friends arranged vehicles and brought us first to Civil Hospital Payal and then to Civil Hospital Khanna for treatment and admitted us. I along with my uncle Balwinder Singh are admitted for treatment. My cousin Kulwinder Singh and Balwinder Singh have been referred to Sector 32, Chandigarh. The reason behind the grudge is that there is dispute regarding one window of a room with Pritam Singh @ Joga Singh, Harvinder Singh @ Bhola sons of Gurnam Singh. I have recorded my statement before you, which has been read over and is 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 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.

5 Pursuant to the said order, report has been received from the Sub Divisional Judicial Magistrate, Payal, vide Memo No.37 dated 18.11.2025. The relevant extract of the report is reproduced as under:-

“(i) Total 7 persons namely Harwinder Singh, Pritam Singh, Sukhjit Singh, Dalveer Singh, Surinder Singh @ Raja, Gurdeep Singh @ Babbu and Lakhwinder Singh @ Lakha found involved as accused in the dispute/FIR.

(ii) As per the statement of SI Satpal Singh, there is one complainant namely Kuldeep Singh and four injured persons/victims namely Kuldeep Singh @ Kala, Natha Singh, Kulwinder Singh @ Kinda @ Kulwinder Singh Jhaji and Balwinder Singh @ Binder.

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

(iv) It is further submitted that no affected person(accused or complainant) is left out in the quashing petition before the Hon'ble High Court.

(v) As per the statement of SI Satpal Singh, neither any accused has been declared proclaimed offender nor any such proceedings against accused have been initiated or pending adjudication.

(vi) From the statements recorded in the court with regard to compromise, I am of the view that the compromise between the parties appeared before court, is genuine, voluntary and without any coercion or undue influence.

(vii) There is no any other aspect relevant to the present case.”

6 Learned counsel for respondents No.2 to 5 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed. Costs stand paid.

7 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. He

contends that even though injuries were caused with weapons such as kirpans, however, injuries attributed to the accused are only grievous and not dangerous to life. Petitioners are not involved in any other case.. The occurrence arose out of a sudden quarrel between neighbours over a long-standing civil dispute, without any premeditation. Significantly, the parties have since resolved their disputes amicably by way of a voluntary and genuine compromise, as is evident from the compromise deed placed on record, and the continuation of criminal proceedings would serve no fruitful purpose.

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 The Hon'ble Supreme Court in the matter of ***Naushey Ali and Others v State of UP and Anr.*** , arising out of SLP Criminal No. 3432 of 2023 **decided on 11.02.2025** ruled that a non compoundable offence under Section 307 IPC(Section 109 BNS) can be quashed on basis of compromise if the facts do not support the charge thus laying that a mere mention of the offence in an FIR does not bar quashment.

10 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.”

11 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.

12 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) It is a version and cross-version case, arising out of a dispute between neighbours wherein both sides have levelled allegations against each other, thereby reflecting a mutual altercation rather than a one-sided criminal act

(ii) The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings at an early stage will bring peace and tranquility among parties..

(iii) Petitioners are in the age bracket of 23-62 years; are settled members of society and continued criminal prosecution and incarceration are likely to cause grave and disproportionate prejudice to them in the discharge of their social, familial, and professional obligations

(iv) 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;

(v) The nature of the alleged act does not disclose the requisite mens rea for the graver offence under Section 109 BNS, further diminishing the justification for prolonging prosecution. The injuries have not been declared to be dangerous to life.

(vi) In view of the version and cross version, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is bleak. The same would thus be a judicial exercise in futility.

13 In view of the report of the Sub Divisional Judicial Magistrate, Payal 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.114 dated 03.08.2025 under Section(s) 109, 115(2), 118(1), 190 and 191 of the BNS, 2023, registered at Police Station Doraha, Police District Khanna, District Ludhiana, Punjab, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 08.08.2025 (Annexure P-2) entered between the parties.

14 Petition is allowed in above terms.

January 22, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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