



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

279

CRM-M-56941-2025 (O&M)

Date of decision: 12.02.2026

Kuldeep Singh and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Prince Goyal, Advocate (through V.C.) for the petitioners.

Mr. Saurav Verma, Addl. AG, Punjab.

Ms. Chhavi Budhiraja, Advocate for

Mr. Ravinder Singh, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed by the petitioner(s) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR bearing No.0179 dated 14.06.2019, under Section(s) 336, 160, 506, 509, 148 and 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sohana, District S.A.S. Nagar (Annexure P-1), along with all the subsequent proceedings arising therefrom on the basis of compromise dated 08.05.2022 (Annexure P-2).

2. The FIR in the present case was registered on the statement of Satpal Singh @ Pal Singh, son of Jagir Singh, resident of Village Sekhan Majra, District SAS Nagar (Mohali), relevant part of which reads as under:-

“....that I am a resident of the above address. On 13-06-19, at about 9:45 PM, I was sleeping at home along with my family. My son Gurjant Singh, age 22/23 years, who came into the house after working from outside, I was sleeping upstairs. He

called me on my phone and said that Kuldeep Singh son of Raghbir Singh and his son Satnam Singh alias Sonu and with him Hardeep Singh son of Raghbir Singh and with him Joga Singh son of Amrik Singh, Jagjit Singh alias Jaggi son of Nirmal Singh and Narinder Singh son of Harnek Singh, residents of village Sekhan Majra and some others were outsiders. They came in our street and started shouting and throwing bricks. One of them, Satnam Singh alias Sonu fired in the air, kept abusing me and said that if you come out of the house today, we will kill you. In the meantime, my family and neighbours also got up with me and came outside. These people were armed with deadly weapons, such as swords and sticks. More people started gathering. As soon as they saw them, they ran away from the spot with their weapons. There were also vehicles nearby, whose numbers we could not read at the spot. I, Randhir Singh son of Bachan Singh, former Sarpanch Jasvir Singh son of Naib Singh, Avtar Singh son of Jagir Singh, Sandeep Singh son of Tarlochan Singh, residents of village Sekhan majra, have also witnessed the incident. I have come to you with whom I have brought information. The reason for the enmity is that we had helped the opposition during the Panchayat elections. Therefore, Kuldeep Singh and his son along with their associates have fired aerial fire, abused us, and pelted us with bricks and stones. Appropriate action should be taken against them.”

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

4 The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 13.10.2025 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, a report has been received from

Judicial Magistrate First Class, SAS Nagar (Mohali), vide Memo No.291 dated 12.11.2025. The relevant extract of the report is reproduced as under: -

“The point wise reply of the information as desired by the Hon'ble High court is as follows:-

Regarding point (i) it is submitted that there are six accused persons namely Kuldeep Singh S/o Raghbir Singh, Jagjeet Singh @ Jaggi S/o Nirmal Singh, Narinder Singh S/o Harnek Singh, Joga Singh @ Kamaljeet Singh S/o Amrik Singh, Satnam Singh S/o Kuldeep Singh and Hardeep Singh S/o Raghbir Singh involved in the present FIR.

Regarding point (ii) it is submitted that there is only one complainant namely Satpal Singh @ Pal Singh in the present FIR.

Regarding point (iii) it is submitted that above said accused persons and complainant are party to the compromise and signed the same.

Regarding point (iv) it is submitted that no person is left out or not arrayed as party in the quashing petition before the Hon'ble High Court.

Regarding point (v) it is submitted that none of the accused persons have ever been declared proclaimed offender nor any such proceedings against them have been initiated or pending adjudication.

Regarding point (vi), it is submitted that the compromise between the parties is genuine, voluntarily and out of free will.

It is further submitted that the statement of IO ASI Harinder Singh (now retired) has also been recorded with regard to Point (i) to (vi).

It is further submitted that as per the statements of the complainant and accused persons, the compromise appears to be genuine, voluntarily and without any coercion or undue influence.”

6. 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.

7. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8. Hon'ble Supreme Court in the matter of '**Narinder Singh and others v. State of Punjab and another**', reported as **(2014) 6 SCC 466**, laid down the following principles for invocation of powers under Section 482 CrPC:

“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.”

9. 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 dispute giving rise to the FIR is purely personal and private in nature as it arose on account of the respondent-complainant supporting the opposition party during the Panchayat elections.
- ii. The parties have amicably resolved their dispute, and the compromise has been entered into voluntarily, without any coercion, pressure, or undue influence.
- iii. Petitioners are aged 59, 30, 48, 30, 35 and 54 years respectively, are settled in life, and the continuation of criminal proceedings would serve no reformatory or deterrent purpose, but would only prolong unnecessary litigation.
- iv. The offence(s) alleged can neither be characterised as heinous or of such gravity as to shock the collective conscience of

society, nor do they partake the nature of offences that would shock the conscience of the Court.

- v. Permitting the prosecution to continue, despite the settlement, would result in abuse of the process of law and unnecessary wastage of valuable judicial time.

10. In view of the report of the Judicial Magistrate First Class, SAS Nagar (Mohali) and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. FIR bearing No.0179 dated 14.06.2019, under Section(s) 336, 160, 506, 509, 148 and 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sohana, District S.A.S. Nagar (Annexure P-1), along with all the subsequent proceedings arising therefrom, is hereby quashed in view of the compromise dated 08.05.2022 (Annexure P-2).

11. Petition is ***allowed*** in above terms.

12.02.2026

Sumit Gusain

Whether speaking/reasoned

Whether reportable :

(VINOD S. BHARDWAJ)

JUDGE

: *Yes/No*

Yes/No