



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-57058-2025 (O&M)

Date of decision: 17.02.2026

Harmanjit Singh and another

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Harish Rana, Advocate for
Mr. Mitul Singh Rana, Advocate for the petitioner.

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

Ms. Gurleen Kaur, Advocate for respondent No.2

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for seeking quashing of FIR bearing No.115 dated 21.08.2025, under Section(s) 115(2), 118(1), 3(5) and 333 of the Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS 2023'), registered at Police Station Bhogpur, District Jalandhar (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 06.10.2025 (Annexure P-2).

2. FIR in the present case was registered on the basis of a complaint lodged by Satwant Singh. As per the allegations set out therein, on 19.08.2025 at about 10:30 A.M., while he was present at his residence, petitioner No.1, namely Harmanjit Singh, arrived in the street armed with a sickle and began abusing him. When the complainant objected to such conduct, petitioner No.1 is stated to have forcibly entered the house and

attacked him with the sickle. Petitioner No.2 also joined in the assault and struck the complainant with a rod. It is further averred that when the wife of the complainant intervened to rescue him, she too was subjected to abuse. Upon the gathering of local residents, the petitioners are stated to have fled from the spot carrying their respective weapons. The complaint further attributes the motive for the assault to an ongoing land dispute between the parties, which is presently pending adjudication before the competent Court.

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 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, report has been received from the Judicial Magistrate 1st Class, Jalandhar vide Memo No. 398 dated 18.11.2025. The relevant extract of the report is reproduced as under:-

“I. It is humbly submitted that as per the statement of complainant/respondent no. 2 and ASI Sulinder Singh, the present FIR was registered against Harmanjit Singh son of Nirmal Singh and Jaskaran Singh son of Harmanjit Singh, both residents of village Bhondian, district Jalandhar

II. It is humbly submitted that as per the statement of ASI Sulinder Singh, the respondent no. 2 is the complainant in the present case. The statement of ASI Sulinder Singh also shows that the respondent no.2 is also a victim. His statement further

shows that the wife of respondent no. 2 is also a victim in the present case as both the accused had abused her at the time of occurrence

III. It is humbly submitted that as per memo of parties filed before the Hon'ble Court in the present CRM, the petitioners no. 1 and 2 and respondent no. 2 appeared before this court and got recorded their respective statements with regard to effecting of compromise. However, none of the parties has placed on record copy of alleged compromise. Further, the wife of respondent no. 2 did not appear before this Court to suffer statement regarding occurrence.

IV. It is humbly submitted that the statement of ASI Sulinder Singh shows that the wife of respondent no. 2 was also abused during the occurrence. However, she has not been arrayed as a party to the quashing petition filed before the Hon'ble High Court.

V. It is humbly submitted that as per the statement of ASI Sulinder Singh both the accused have not been declared proclaimed offender/person in the present case. His statement also shows proceedings to declare both the accused as proclaimed offenders/persons have not been initiated and no such proceedings are pending adjudication.

VI. It is humbly submitted that after perusing the statements of both the petitioners as well as respondent no. 2, I am of the considered view that the compromise arrived between them is

genuine, voluntary and without any coercion or undue influence.

VII. It is humbly submitted that the statement of ASI Sulinder Singh shows that a cross DDR no. 9 dated 22.08.2025 under Section 115(2), 351(2), 3(5) BNS was also registered against Satwant Singh on the basis of statement given by Jaskaran Singh.”

6. Reply filed by way of affidavit dated 16.02.2026 on behalf of respondent-State today in the Court is taken on record.

7. 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.

8. Learned counsel appearing on behalf of respondent No. 2 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.

9. 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.”*

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 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- i) *The incident is stated to have arisen out of a pre-existing land dispute between the parties, which is already sub judice thereby suggesting that the dispute is essentially private and property-centric in character.*
- ii) *Petitioner No.1 is stated to be 53 years of age and Petitioner No.2 is 25 years old. There is no assertion of prior criminal antecedents. The absence of any criminal history indicates that the occurrence is not part of a*

pattern of habitual or organised criminal conduct and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligations as well as in his work place.

- 3) *The FIR in question pertains to the year 2025 and the proceedings are at an early stage.*
- iv) *As per the medico-legal record, all injuries sustained by the complainant are simple in nature. There is no allegation of grievous hurt, permanent disability, or life-threatening injury. The absence of serious bodily harm materially reduces the gravity of the alleged occurrence.*
- 5) *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;*
- 6) *The allegations pertain to a single incident involving individuals known to each other, with no wider societal ramifications. The matter does not involve public interest, organised crime or offences of grave moral turpitude affecting society at large.*
- 7) *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.*

11. In view of the report of the Judicial Magistrate 1st Class,

Jalandhar 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. of FIR bearing No.115 dated 21.08.2025, under Section(s) 115(2), 118(1), 3(5) and 333 of the Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS 2023'), registered at Police Station Bhogpur, District Jalandhar (Annexure P-1) along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 06.10.2025 (Annexure P-2).

12. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

17.02.2026

Mangal Singh

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