

273

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:024798



CRM-M-57990-2025 (O&M)

Date of decision: 16.02.2026.

MINTU SINGH ALIAS HAPPY SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present :- Mr. Tarun Singla, Advocate,
for the petitioner(s).

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

None for respondent No.2.

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 No.78 dated
10.08.2025 under Section(s) 115(2), 118(1) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023 (Section 117(2) of the BNS 2023 added later), registered at
Police Station Sadar Rampura, District Bathinda, along with all subsequent

proceedings arising therefrom on the basis of compromise dated 27.09.2025 (Annexure P-2).

2 Briefly summarized, aforesaid FIR was registered on the statement of Hardeep Singh, son of Gubant Singh. The translated version of the same is extracted as under: -

“I am resident of aforesaid address and does agricultural work. Yesterday on 27.07.2025 at about 9.30 in the night we in our field were making pickle (Achar) (for animals) then with regard to trolley we got into an argument with Happy Singh who is driver of Baljinder Singh Sarpanch son of Gurtej Singh R/o. Ghurela. Thereafter we came back to our home. Thereafter we alongwith our trolley after selling the pickle (Achar) were returning back to our home from Balloh. When we got down from the tractor we heard a sound from outside that today they should not be left unharmed. Then from the front having weapons in their hands came Leela Singh son of Sukhdev Singh armed with Danda, Nikka Singh son of Sukhdev Singh armed with rod, Happy Singh son of Gurdeep Singh armed with pipe, Peetu Singh son of Gurjeet Singh armed with Danda, Jeet Singh son of Leela Singh armed with Kirpan residents of Ghurela and they came towards me and my friend Parwinder Singh son of Gurjant Singh R/o. Ghurela. First blow was inflicted by Leela Singh who gave a Danda blow on my face, second blow was given by Nikka Singh with the rod which he was holding in his hand upon me. Third blow was given by Happy Singh by hitting me with the pipe on my head. Forth blow was given by Peetu Singh on my right leg by giving a Danda blow. Thereafter I fell down. Then my friend Parwinder Singh tried to save me, then they gave him beatings. At the time of leaving Jeet Singh gave a blow of Kirpan which he was holding in his hand on my head. Thereafter Baljinder Singh Sarpanch alongwith weapons,

Satnam Singh @ Sattu son of Bohar Singh R/o. Ghareli and Jagdev Singh son of Pritam Singh R/o. Ghurela by coming alongwith after giving us beatings left from there. Thereafter my family after arranging a vehicle got me and Parwinder Singh admitted at Civil Hospital Rampura for treatment where my treatment is going on. The motive behind the occurrence is that we had got into an argument on the issue of making pickle (Achar) because of which they have given us beatings. So appropriate legal action be taken against them.”

3 However, with the intervention of the respectables from both sides, 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 15.10.2025 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 the Judicial Magistrate First Class, Phul, vide Memo No.449 dated 05.12.2025. The relevant extract of the report is reproduced as under:-

1. It is most respectfully submitted that as per the statements of petitioners/accused namely Happy Singh @ Mintu Singh son of Gurdeep Singh resident of Gharela, Bathinda and Peetu Singh @ Gurpreet Singh son of Gurdeep Singh resident of Ghurela, Balloh District Bathinda and complainant/respondent Hardeep Singh son of Gurwant Singh resident of Ghurela Balloh, Bathinda and Parwinder Singh son of Gurjant Singh, the undersigned is satisfied that the compromise effected between them seems to be genuine, voluntary, out of free will which is not the result of coercion, pressure or undue influence. It is

humbly submitted that as per the statements of parties and ASI Darshan Singh No.1630/BTI, FIR bearing No.78 dated 10.08.2025 under Sections 118 (1), 115 (2), 2, 3 (5) BNS under Section 117 (2) BNS 2023 was registered at PS Sadar Rampura against accused/petitioners Happy Singh @ Mintu Singh son of Gurdeep Singh resident of Gharela, Bathinda and Peetu Singh @ Gurpreet Singh son of Gurdeep Singh resident of Ghurela, Balloh District Bathinda So, except the accused/petitioners, there is no other accused in this case.

2. It is humbly submitted that as per the statements of respondent and ASI Darshan Singh No.1630/BTI, there is only two victims/injured/complainant in this case namely complainant/respondent Hardeep Singh son of Gurwant Singh resident of Ghurela Balloh, Bathinda and Parwinder Singh son of Gurjant Singh and except them, there is no other complainant or affected/aggrieved party in this case.

3. It is further submitted that as per the statements of both the parties and ASI Darshan Singh No.1630/BTI, accused/petitioners and complainant were neither declared as proclaimed offenders/persons in any case till date nor such proceedings are pending against them.”

6. The Hon'ble Supreme Court in the case of **Yogendra Yadav & Others v. State of Jharkhand & Another reported as (2014) 9 SCC 653** has held that although non-compoundable offences under Section 320 Cr.P.C. cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their dispute. The Court has held that this power must be exercised on

a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection, and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus :

“4. Now, the question before this Court is whether this Court can compound the offences under Sections [326](#) and [307](#) of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section [320](#) of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 : (2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section [482](#) of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account

of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.

7 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 established from the report of Judicial Magistrate First Class, Phul, that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

(ii) The occurrence arose on account of a trivial issue between the parties and the dispute is private in nature and does not disclose elements affecting public order or societal peace at large.

(iii) Petitioner no.1 is aged 35 years and Petitioner no.2 is aged 34 years. The continuation of criminal proceedings may have disproportionate adverse consequences on their personal, professional and social lives, particularly when the dispute has been amicably resolved.

(iv) The FIR in question pertains to the year 2025 and the proceedings are at an early stage.

(v) The parties have resolved their differences amicably and have expressed their intention to restore familial harmony. The

complainant is no longer desirous of pursuing the criminal proceedings.

(vi) 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;

8 In view of the report of the Judicial Magistrate First Class, Phul and the principles laid down by the Apex Court on the subject, the instant petition is allowed. FIR No.78 dated 10.08.2025 under Section(s) 115(2), 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Section 117(2) of the BNS 2023 added later), registered at Police Station Sadar Rampura, District Bathinda, along with all subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 27.09.2025 (Annexure P-2) entered between the parties.

9 Petition is allowed in above terms.

February 16, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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