

283

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:016892



CRM-M-63738-2025 (O&M)

Date of decision: 04.02.2026.

JAGTAR SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Gurinder Singh Bains, 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.0172 dated
29.09.2025 under Section(s) 115(2), 118(1) and 333 of the Bharatiya Nyaya
Sanhita, 2023 (Section 238 of the BNS 2023 added later on vide DDR No.27
dated 16.10.2025), registered at Police Station Mullanpur, District S.A.S.

Nagar, Mohali, along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.10.2025 (Annexure P-2).

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

“I am a resident of the above mentioned address. I do agriculture and dairy work. We have bara inside the village. In one we keep cattle and in the other we park agricultural tools, tractors etc. and we have kept potato seeds in the Varandah (Poarch) built in the bara. On 27-9-2025 at 5-30 PM I, had gone to my bara, where I, was sitting and cleaning potato seeds at around 5:50 pm our neighbor Jagtar Singh S/o Amrik Singh (whose house next to my bara) opened the main gate of the bara and came inside holding a sharp knife in his hand. Jagtar Singh came to me and started saying that you have wrongly voted for Sarpanch Manjit Kaur due to our village work being disrupted, nothing happening. On which I said that I have nothing to do with this. Jagtar Singh hit me very hard on the head with the hammer, same was holding in his hand. When I tried to get up, Jagtar hit my head with the hammer, which knocked out my tooth. Then Jagtar hit my arm with a hammer 2/3 times. When I tried to get up, Jagtar kicked me, which hit my private part. When I shouted for help, other people from the village came to the spot. From which Jagtar Singh ran away. In the meantime Jagtar Singh's father Amrik Singh came to the spot and abused me and threatened to kill me. Jagtar Singh entered the yard and beat me up because of his father's anger over the Sarpanch elections.”

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 13.11.2025 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, Kharar, vide Memo No.13 dated 17.01.2026. The relevant extract of the report is reproduced as under:-

“1. The present FIR has been registered against only one accused namely Jagtar Singh son of Amrik Singh.

2. In the present FIR there is only one complainant/victim namely Sulakhan son of Jasvir Singh.

3. Yes, the accused and complainant/victim are party to compromise and have signed the same.

4. Not applicable.

5. As per the record, the accused has not been declared as Proclaimed Offender/person or any such proceedings against him have been initiated or pending adjudication.

6. The compromise has been effected between the complainant/victim and accused and there is no other affected person in the present FIR.

Further, as per statements made by the parties and their oral submissions, the compromise has been entered into without any undue influence or without any pressure. In my opinion, compromise appears to have been made voluntarily and is genuine and without any coercion or undue influence.”

6 Short reply already filed on behalf of the respondent-State is taken on record.

7 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.”

8 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.

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) It is established from the report submitted by the Judicial Magistrate First Class, Kharar, that the parties have entered into a compromise voluntarily, which is genuine in nature and has been effected without any coercion, undue influence, or pressure.

(ii) The perusal of the FIR reveals that the occurrence arose out

of resentment pertaining to village sarpanch elections and was a result of sudden outburst in the heat of the moment. There is nothing on record to suggest that the act was preceded by any premeditated or calculated design to commit a graver offence.

(iii) The petitioner is aged 31 years and continuation of criminal proceedings would hamper his career prospects and health respectively.

(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) In the totality of the circumstances, the continuation of the FIR and all proceedings emanating therefrom would amount to an abuse of the process of law and the ends of justice would be better served by quashing the same in view of the compromise effected between the parties.

(vi) Quashing of the FIR in the facts and circumstances of the case would secure the ends of justice, restore harmony between the parties, and prevent abuse of the process of law.

10 In view of the report of the Judicial Magistrate First Class, Kharar 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.0172 dated 29.09.2025 under Section(s) 115(2), 118(1) and 333 of the Bharatiya Nyaya Sanhita, 2023 (Section 238 of the BNS 2023 added

later on vide DDR No.27 dated 16.10.2025), registered at Police Station Mullanpur, District S.A.S. Nagar, Mohali, along with all subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 09.10.2025 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

February 04, 2026.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>