



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

269

CRM-M-65219-2025 (O&M)

Date of decision: 06.04.2026

Teena

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

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

Dr. (Ms.) Savi Nagpal, AAG Punjab.

Mr. Yatin Mehta, Advocate for respondent No.2 and 3
(through V.C.)

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of case bearing FIR No.109 dated 07.03.2024 registered under Section 326 of the Indian Penal Code, 1860 at Police Station City Ferozepur, District Ferozepur along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2025 (Annexure P-2).

2. The FIR in the instant case was registered based on a complaint of Balwinder Singh (Respondent No.2) alleging medical negligence on the part of Dr Sunil Thakkar and other medical staff. The complainant's wife became unconscious on 15.01.2020 and was taken to a doctor who assured that her condition was not critical and that she would recover within a few hours. The complainant was further advised that the patient could be kept under observation overnight and discharged in the morning. Relying upon

such assurance, the complainant admitted his wife to the hospital. However, when the patient failed to regain consciousness and her condition deteriorated, the doctor, upon examination the next morning, declared her to be in a serious condition and advised immediate referral to another hospital. During this period, hospital staff administered steam to the patient in a negligent manner, resulting in severe facial burns. Subsequently, the patient was admitted to another hospital where she was kept under treatment for 10 days.

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 19.11.2025 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, report has been received from the Chief Judicial Magistrate, Ferozepur vide Memo No. 53 dated 13.01.2026. The relevant extract of the report is reproduced as under:-

- “i. As per statement of complainant/victims Paramjit Kaur and Balwinder Singh, accused Teena and IO ASI Sukhdev Raj No. 812/FZR posted at PS City Ferozepur, two accused persons were found involved as accused in the dispute/FIR.
- ii. There are two complainant/victims namely Paramjit Kaur and Balwinder Singh in the present FIR.

- iii. As per compromise Ex. CX, both the complainant/victims namely Paramjit Kaur and Balwinder Singh and accused Teena are party to the compromise Ex. CX and signed the same.
- iv. In the present FIR, there are two complainant/victims and two accused persons arraigned in the present FIR and out of which one accused namely Dr. Sunil Thakar has expired. So, accused namely Dr. Sunil Thakar has not been arrayed as party in the quashing petition before the Hon'ble High Court.
- v. As per statement of complainant/victims Paramjit Kaur and Balwinder Singh, accused Teena and IO ASI Sukhdev Raj No. 812/FZR posted at PS City Ferozepur, the accused person facing the prosecution has not been declared as absconding or PO in this case at any stage of the trial and no such proceedings have been initiated or pending against her.
- vi. As per statement of complainant/victims Paramjit Kaur and Balwinder Singh, accused Teena and IO ASI Sukhdev Raj No. 812/FZR posted at PS City Ferozepur, compromise between the parties appears to be genuine, voluntarily and without any coercion or undue influence.
- vii. As per the directions issued by the Hon'ble Punjab and Haryana High Court in CRM-M-65219-2025 in the case titled as 'Teena Vs State of Punjab & others, the

petitioner has deposited Rs. 15,000/- with "Haryana State Disaster Response Fund and in this regard she also placed on record copy of receipt.”

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 appearing on behalf of respondent No. 2 and 3 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.

8. 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.”

9. The Hon'ble Supreme Court has held in '**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.

10. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

11. 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) *It is established from the report of Chief Judicial Magistrate, Ferozepur that a compromise has been*

effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

- ii) *Petitioner is of 28 years of age and continued criminal incarceration will cause severe repercussions to the petitioner in discharge of her social obligations as well as in her work place.*
- iii) *The FIR in question pertains to the year 2024 and the proceedings are at an early stage.*
- iv) *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;*
- v) *The dispute is essentially personal in nature and does not involve any element of public interest, public peace or societal impact warranting continuation of criminal proceedings.*
- vi) *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.*

12. In view of the report of the Chief Judicial Magistrate, Ferozepur 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.109 dated 07.03.2024 under Section 326 of the Indian Penal Code, 1860 registered at Police Station City Ferozepur, District Ferozepur along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 27.09.2025 (Annexure P-2).

13. Petition is allowed.

06.04.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)
JUDGE