

2026:PHHC:028988



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

333

CRM-M-65559-2025 (O & M)
Date of decision: 24.02.2026

SUKHWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S.Verma, Advocate,
for the petitioner.

Mr. Rahul K. Adia, AAG, Punjab.

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

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.40 dated 17.04.2014 under Sections 325, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Sudhar, District Ludhiana and further setting aside/quashing order of conviction and sentence dated 04.11.2019 along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2025 (Annexure P-4).

2. This Court while issuing notice of motion vide order dated 20.11.2025, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

3. Pursuant to the aforesaid order, report dated 23.12.2025 has been received from the Sub Divisional Judicial Magistrate, Jagraon. A

perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are four accused and except the petitioner, remaining stands acquitted. He has not been declared as proclaimed offender.

4. Heard learned counsel for the parties and also gone through the case file.

5. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab**, 2007 (3) RCR (Criminal) 1052, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

6. Hon'ble the Supreme Court of India in the case of **Gian Singh vs. State of Punjab and another**, 2012 (4) RCR (Criminal) 543, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected.

The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power

given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

7. Hon’ble The Supreme Court in **Ramgopal vs. State of M.P.**, 2021 SCC OnLine SC 834 while acquitting the accused on the basis of the compromise arrived at between the parties had observed that, “We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind : (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

8. Further, while compounding a non-compoundable offence after a compromise had been effected, this Court in **Sube Singh and another vs. State of Haryana and another**, 2013(4) RCR (Criminal) 102 had held that, “we are of the considered view that the negation of the

compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 CrPC after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

9. Applying the ratio of the abovesaid judgment to the facts of the present case that the petitioners have clean antecedents; parties are co-villagers and residing in the immediate vicinity of each other, who have amicably resolved the dispute, that relates to the year 2017, this Court finds that quashing the impugned FIR and subsequent proceedings arising therefrom will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

10. Resultantly, the present petition is allowed and FIR No.40 dated 17.04.2014 under Sections 325, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Sudhar, District Ludhiana and all other consequential proceedings arising therefrom, including the judgment of conviction and order of sentence dated 04.11.2019, are quashed qua the petitioner on the basis of compromise.

24.02.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No