

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

CRM-M-66003-2025 (O&M).

Date of decision: 20.04.2026.

Amarjit Singh and others

...Petitioner(s)

VERSUS

State of Haryana and others

...Respondent(s)

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

Present :- Mr. Pawan Attri, Advocate,
for the petitioners.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Ms. Harshdeep Kaur, Advocate,
for respondents No.2 & 3.

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 bearing No.352 dated
29.09.2023 under Section(s) 323, 452, 506 and 509 read with Section 34 IPC
(Sections 148 & 149 IPC deleted and Section 34 IPC added later on),
registered at Police Station Pehowa, District Kurukshetra, along with all
subsequent proceedings arising therefrom on the basis of compromise dated
11.08.2025 (Annexure P-2).

2 Briefly summarized, aforesaid FIR was registered on the basis
of complaint moved by Harjinder Singh son of Kharak Singh. The translated



version of the same is reproduced as under: -

“To the SHO, Police Station Pehowa. Subject: Application regarding legal action against 1. Amarjit Singh son of Shri Manjit Singh, resident of village Sandhauli, Dera Kharak Singh, Tehsil Pehowa, District Kurukshetra, Mobile No. 9896508888 2. Bhajan Lal, resident of Bilochpura, Tehsil Pehowa, District Kurukshetra and 4/5 other persons. Sir, the applicant humbly submits the following:- That the applicant, Harjinder Singh son of Shri Kharak Singh is a resident of village Sandhauli, Dera Kharak Singh, Tehsil Pehowa, District Kurukshetra and is a retired Sub-Inspector from the Haryana Police and is an elderly and law-abiding person. That the above mentioned accused persons are quarrelsome, drunkards and drug addicts. That on accused no. 1 is a relative of the applicant, being his nephew. That on 26.09.2023, at approximately 5/6 PM, I went to the house of accused No.01 for the purpose of filling-up voter registration forms being prepared by the Haryana Gurudwara Management Committee. Accused No. 01 was not present at home, but his mother and wife were there, and I filled-up their forms. After some time, accused No. 01 arrived at home, staggering drunk, and started saying, "What are you doing here?" and started using abusive language. I tried to pacify him, but the accused snatched the forms from me and tore them up." When I tried to stop him, the accused got enraged and started assaulting and abusing me. As I tried to leave the place, the accused pushed me, grabbed my beard, and knocked me to the ground. I somehow managed to escape from accused No.1 and went to home, thereafter, I went to my fields. It was around 8/9 PM when my wife, Davinder Kaur, called me on my mobile phone and said that accused No.1, along with accused No.2. and other individuals, had come to our house to fight and were saying that they would drag Harjinder Singh out of the house and would kill him. They abused and mistreated my wife, who, out of fear, screamed. Hearing her screams, the accused fled away while shouting threats. Accused No. 1 and 2, while leaving, said that your husband had escaped that time, but if they ever saw him again, they would kill him. Therefore, I request that strict legal action be taken



against the aforementioned accused, who are very dangerous and capable of committing any serious crime or even killing me.”

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 04.02.2026 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 Sub-Divisional Judicial Magistrate, Pehowa, vide Memo No.161 dated 20.02.2026. The relevant extract of the report is reproduced as under:-

“From the statements of parties and perusal of the documents, it is observed that:-

1) As per record of I.O, in the present case, there are only four accused namely Amarjit Singh son of Manjit Singh, resident of village Sandholi, Tehsil Pehowa, District Kurukshetra, Harbhajan Singh son of Amarjit Singh, resident of village Bilochpura, Tehsil Pehowa, District Kurukshetra, Gurmit Singh son of Manjit Singh, resident of village Begpur, Tehsil Dhand, District Kaithal and Bhupinder son of Bhagwant Singh, resident of village Sandholi, Tehsil Pehowa, District Kurukshetra. (Petitioners).

2) As per record of I.O. in the present case/FIR, there is one complainant namely Harjinder Singh and one victim namely Devinder Kaur wife of complainant. (Respondents No.2 & 3).

3) All the accused persons/petitioners and complainants/victim/respondents No.2 & 3 are the parties to the compromise and they have signed their respective statement.

4) Statement of investigating officer of the present case has also been recorded.

5) No (As per statement of concerned I.O).

6) As per record of I.O., none of the accused persons are declared as proclaimed offenders/persons.

7) Compromise appears to be genuine and voluntary without any threat or coercion.



8) *As per record of I.O., no other case except present case/FIR is pending against the petitioners.*

9). *The case is already fixed for 20.02.2026 for evidence of prosecution."*

6 Learned counsel for respondents No.2 & 3 reiterates the settlement and her concurrence to the FIR and all the other consequential proceedings being quashed.

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 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.”

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) The genesis of the dispute appears to be purely personal and familial in nature, as petitioner No. 1 is admittedly related to the complainant (his nephew).

(ii) The occurrence arose out of a sudden altercation without premeditation and not from any deep rooted criminal conspiracy.

(iii) Petitioners No.1, 3 and 4 are middle aged persons and



continuation of criminal proceedings would hamper their prospects and affect the discharge of their family and social obligations.

(iv)*Petitioner No.2 is a young man aged 27 years old and continuation of criminal proceedings would hamper his future prospects.*

(v)*Significantly, the parties have amicably resolved their dispute and entered into a compromise of their own free will, with the intervention of respectable members of the society.*

(vi)*In view of the compromise so arrived at, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is also bleak.*

(vii)*The continuation of criminal proceedings would serve no larger public purpose and would only result in unnecessary harassment of parties and futile expenditure of valuable time.*

(viii)*The FIR pertains to the year 2023 and the case is still at an initial stage.*

10 In view of the report of the Sub-Divisional Judicial Magistrate, Pehowa 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.352 dated 29.09.2023 under Section(s) 323, 452, 506 and 509 read with Section 34 IPC (Sections 148 & 149 IPC deleted and Section 34 IPC added later on), registered at Police Station Pehowa, District



Kurukshetra, Haryana, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 11.08.2025 (Annexure P-2) entered between the parties, subject to deposit of costs of Rs.25,000/- total by the petitioners with the “Red Cross Old Age Home” A/c No.50100286016319, IFSCHDFC0004030, HDFC Bank, Sector-15, Panchkula.

11 Petition is allowed in above terms.

20.04.2026	(VINOD S. BHARDWAJ)
SN	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>