



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

214

CRM-M-66744-2025 (O&M)

Date of decision: 27.02.2026

Gurbhagat Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Aayush Goyal, Advocate for the petitioners.

Mr. Saurav Verma, Addl. AG, Punjab.

Mr. Lovish Rattan, Advocate for respondent No.2

VINOD S. BHARDWAJ, J. (Oral)

Prayer in this petition, filed under Section 528 of BNSS, is for quashing of FIR No.291 dated 26.11.2021 registered under Sections 279, 337, 338 and 427 of Indian Penal Code, 1860 at Police Station Nabha, District Patiala (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 21.11.2025 (Annexure P-2).

2. The FIR in the present case has been registered on the statement of Birbal Singh, son of Mukand Singh, resident of Kakrala, District Patiala, relevant part of which reads as under:-

“....I am a resident of the above address, doing household work today I was going from my village Kakrala towards Nabha riding my cycle, then in the afternoon when I reached ahead of the electric grid, the driver of a Hydra type machine coming from behind, driving the machine at high speed and negligently, hit my cycle with the said machine number, due to which I fell down and suffered many injuries on my body, in addition the

tire of the said. machine ran over my right leg due to which my leg was broken I read the number of the said machine as PB-13-AR 9635 whose unknown driver ran away from the spot with the said machine, then my brother Gurjant Singh son of Mukand Singh resident of Kakrala who was coming behind me on his cycle with the help of other persons of our village and passers-by arranged a vehicle and admitted me to Civil Hospital Nabha for treatment, where I am undergoing treatment, the accident that happened to me happened due to the unknown driver of the said number Hydra type PB 13 AR 9635 negligently and speeding and hitting my cycle from behind, due to which my cycle has also been damaged a lot, legal action should be taken against the unknown driver of the said number Hydra type PB 13 AR 9635.”

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

4. The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 28.11.2025 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, Nabha, vide Memo No.360 dated 24.12.2025. The relevant extract of the report is reproduced as under: -

“From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine.

1. From the statement of parties, it is evidence that one person namely Gurbhagat Singh has been arraigned as accused in the present FIR and he has appeared and has made statement

for the compromise. He has neither absconded nor declared as proclaimed offender/proclaimed person.

2. *There is only one complainant/injured/aggrieved namely Berbel Singh and he has appeared in the court and has made his statement in support of the compromise.*

3. *In the present case, only one accused namely Gurbhagat Singh has been prosecuted by the police.*

4. *In the present case, there is only one victim namely Berbel Singh.*

5. *The present case is fixed for evidence of the prosecution.*

6. *From the statements of parties, it is evident that the compromise effected between both the parties is genuine, voluntary and without any coercion or undue influence and out of free will of the parties.”*

6. Status report dated 12.01.2026 by way of an affidavit of Gurinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Nabha, District Patiala has already been filed on behalf of respondent No.1/State. The same is taken on record.

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. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

9. 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.”

10. 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 dispute in the present FIR arose on account of respondent No.2-complainant being hit by a Hydra machine bearing No.PB-13-AR-9635 being driven by the petitioner rashly and negligently due to which he sustained multiple injuries including a fracture.
- ii. Significantly, the parties have amicably resolved their dispute and the compromise has been entered into voluntarily, without any coercion, pressure, or undue influence, thereby restoring peace and harmony between them.
- iii. Petitioner is in his twenties and subjecting him to prolonged criminal prosecution would have a disproportionate and irreversible adverse impact on his future prospects.
- iv. In view of the compromise, the likelihood of conviction is remote, as the complainant is no longer inclined to support the prosecution case, rendering the continuation of proceedings a futile exercise.
- v. Permitting the prosecution to continue, despite the settlement, would result in abuse of the process of law and unnecessary wastage of valuable judicial time.

11. In view of the report of the Judicial Magistrate 1st Class, Nabha 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 No.291 dated 26.11.2021 registered under Sections 279, 337, 338 and 427 of Indian Penal Code, 1860 at Police Station Nabha, District Patiala (Annexure P-1) along with all the subsequent proceedings arising therefrom, is hereby quashed in view of the compromise dated 21.11.2025 (Annexure P-2) subject to deposit of costs of Rs.10,000/- by the petitioner with the "Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh".

12. Petition is *allowed* in above terms.

27.02.2026

Sumit Gusain

**(VINOD S. BHARDWAJ)
JUDGE**

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