



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

262

CRM-M-72394-2025
Date of decision: 08.04.2026

AMARJIT SINGH AND OTHERS

.....Petitioners

VERSUS

JASVEER SINGH BRAR

.....Respondents

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

Present: - Mr. Tarun K. Sharma, Advocate
for the petitioners.

Mr. Santosh K. Maurya, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition filed by the petitioner(s) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for seeking quashing of Complaint Case No.29/2022 dated 11.04.2022 registered under Sections 379, 427, 431, 432, 506, 34 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 pending in the Court of ACJM, Moga including the summoning order dated 02.01.2024 (Annexure P-2) as well as summoning order dated 29.08.2025 (Annexure P-3), on the basis of compromise dated 08.12.2025 (Annexure P-4).

2. The dispute originated when the complainant's wife, Manjit Kaur, filed an application dated 09.04.2020 before the SP (H), Moga, on the basis of which, proceedings under Sections 107/151 Cr.P.C. were initiated against the accused before the Hon'ble SDM, Moga. Aggrieved by the same, the accused developed animosity and pressurized the complainant and his wife to withdraw the proceedings by extending threats of dire consequences. Subsequently, the complainant was constrained to file a civil suit titled *Jasvir vs. Balvir Singh & Ors.*, wherein the Hon'ble Civil Court, Moga, vide order dated 17.07.2020, restrained the accused from damaging the government drains situated in front of the complainant's house. Despite the said restraint order, the accused persons repeatedly violated the same by blocking and damaging the drains, leading to the filing of contempt proceedings under Order 39 Rule 2-A CPC. On 29.07.2021 and thereafter on multiple occasions in September 2021, the accused persons, in furtherance of their common intention, unlawfully demolished the government drain and portions of the government road, removed bricks, obstructed the flow of wastewater, and caused accumulation of dirty water in front of the complainant's residence. When objected to, the accused abused and criminally intimidated the complainant and his wife with threats to their life and property. Despite repeated complaints made to the village Sarpanch and the police authorities, including applications dated 03.08.2021, 23.08.2021 and 17.11.2021, no action was taken against the accused persons. The complainant was further constrained to file another civil suit, wherein also a stay order dated 30.09.2021 was granted in his favour by the competent Civil Court. The acts of the accused persons clearly disclose offences

including criminal intimidation, mischief causing damage to public property, wrongful obstruction, and disobedience of lawful court orders. The accused persons have acted in concert and pose a continuing threat to the complainant's life and property, compelling the filing of the present complaint.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

4. Pursuant to the order dated 22.12.2025, a report has been received from the Addl. Chief Judicial Magistrate, Moga vide Memo No. 84 dated 23.01.2026. The relevant extract of the report reads thus:-

"1. There are only five persons namely Amarjit Singh, Jaskaran Singh, Tejinder Singh, Sukhpreet Singh and Karamjit Kaur, involved as accused in the dispute.

2. There is only one complainant/victim namely Jasveer Singh Brar.

3. All the accused and complainant/victim are party to the compromise and they have signed the same.

4. No affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before Hon'ble Punjab and Haryana High Court.

5. No accused has been declared offender/person in the complaint in question. as proclaimed.

6. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

7. One other aspect relevant to the present case is that in para no.3 of the compromise Ex.C1, as per compromise effected between the parties, it has been mentioned that underground pipes have been installed by the Gram Panchayat of village Dagru in the Government drains for the drainage of residential house of first party and in future, the second party will not demolish both the Government drains built in front of house of first party which have been installed by Gram Panchayat of village Dagru about 30/40 years ago and second party will not block the underground pipes installed in both the government drains and will not create any obstruction for the drainage of dirty water. In this complaint, charge against the accused was framed under Sections 427, 431, 432, 506 read with Section 34 of IPC and Section 3 of the Public Prevention of Damage to the Public Property Act, 1987, for committing mischief by wrongfully demolishing the Government water drain built in front of house of complainant, misappropriation of bricks laid down by Government and causing damage to the Government road and causing loss above the value of ₹50/-; committing mischief by doing the above said act with rendering the Government road impassable for traveling and moving of the general public at large and for conveying of the property: committing mischief by demolishing the Government water drain built in front of the house of complainant knowing it likely to cause an inundation or obstruction to public drainage: committing criminal intimidation by threatening the complainant and his wife; causing damage to the public property. So. compromise between the parties appears to be genuine and really burying the hatchet between parties with regard to prevention of obstruction in public drainage system and damage to the public property in this complaint.”

5. Mr. Santosh K. Maurya, Advocate appear on behalf of the respondent and reiterate the settlement and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

6. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure 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' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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.

7. 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.

8. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. It is established from the report of Addl. Chief Judicial Magistrate, Moga that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

- b. Petitioners No. 1 and 2 are in their forties and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place.
- c. Petitioners No.3 and 4 are in their early twenties and continued incarceration may adversely impact their careers.
- d. The occurrence stems from personal enmity between known individuals belonging to some locality. It does not disclose elements affecting public order or societal peace at large.
- e. The complaint in question pertains to the year 2022 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.
- f. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- g. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Addl. Chief Judicial Magistrate, Moga and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed.

The aforesaid Complaint Case No.29/2022 dated 11.04.2022 registered under Sections 379, 427, 431, 432, 506, 34 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 pending in the Court of ACJM, Moga including the summoning order dated 02.01.2024 (Annexure P-2) as well as summoning order dated 29.08.2025 (Annexure P-3) and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise 08.12.2025 (Annexure P-4). However, the same would be subject to payment of ***additional costs of Rs.5,000/- to be deposited by each of the petitioners with the “Gram Panchaya, Village Dagru*** within a period of two months of receipt of certified copy of this order.

Petition is allowed.

APRIL 08, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No