



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-923-SB-2015 (O&M)
Date of decision: 04.09.2025

AMRIK SINGH

...APPLICANT

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Sharma, Advocate
for the applicant/appellant(s).

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

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

SUMEET GOEL, J.

CRM-30194-2025

For the reasons stated in the application, same is allowed. The main appeal is taken on board today itself.

CRA-S-923-SB-2015

1. The instant appeal has been preferred against the judgment of conviction and order of sentence dated 30.11.2013, passed by learned Additional Sessions Judge, Ludhiana convicting the appellant for offences under Sections 379, 467, 468, 471, 473, 120-B of IPC, emanating from FIR No.49 dated 07.05.2012 under Sections 379, 328, 420 of IPC registered at Police Station Sidwan Bet, District Ludhiana, Punjab, as under:-



Under Sections	RI for	Fine	Indefault of pay fine, further RI
379 of IPC	RI for two years	--	--
467 of IPC	RI for Three years	Rs.5,000/-	8 months
468 of IPC	RI for Three years	Rs.5,000/-	8 months
471 of IPC	RI for Three years	Rs.5,000/-	8 months
473 of IPC	RI for Two years	Rs.2,000/-	6 months
120-B of IPC	RI for Three years	Rs.5,000/-	8 months

2. The instant appeal was admitted by this Court vide order dated 13.07.2015, during the pendency whereof, an amicable settlement has been stated to have been arrived at between the parties in pursuance whereof one application i.e. CRM-30194-2025 was preferred praying for fixing actual date of hearing as well as compounding/disposing off the instant appeal in view of compromise dated 05.04.2025 (Annexure A-1) as also the grounds mentioned therein.

3. On 07.08.2025, the following order was passed:

“Present applications have been filed for fixing the main appeals to some actual date and also to place on record compromise dated 05.04.2025 (Annexure A-1) entered between the parties. Learned counsel for the applicant/appellant(s) has submitted that all concerned are parties to the above said compromise in terms of the dicta of the Division Bench judgment of this Court passed in ‘Rakesh Das Vs. State of Haryana and another’, Neutral Citation: 2024:PHHC;147654-DB.

Notice of the applications.

At this stage, Mr. Gurpartap S. Bhullar, AAG, Punjab has put in appearance on behalf of respondent No.1-State of Punjab and accepts notice.

Mr. Baljinder Singh, Advocate has entered appearance on behalf of respondent No.2-complainant.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The parties shall appear before the Chief Judicial Magistrate, Ludhiana concerned on 11.08.2025 for recording



statements of the appellant as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the said Court shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the said Court to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the said Court.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The Chief Judicial Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of such Court.

After recording the statements of all the affected parties in either of the aforesaid manner, the Chief Judicial Magistrate, Ludhiana shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion. The Chief Judicial Magistrate, Ludhiana shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioner, arrayed in this petition?

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 04.09.2025.

Photocopy of this order be placed on the file of other connected case(s).”

4. Pursuant to the aforesaid order, report dated 02.09.2025 from Chief Judicial Magistrate, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“i As per the statement of ASI Rajvrinder Singh, no. 448/LDH, present case FIR was lodged against accused Amrik Singh,



Jagdeep Singh, Gurdev Singh and Major Singh on the statement of complainant Jagsir Singh son of Nachhatar Singh. He stated that accused Jagdeep Singh and Amrik Singh were convicted vide judgment dt. 30.11.2013 passed by the court of Sh. Sanjiv Joshi, Ld. ASJ, Ludhiana and vide said judgment dt. 30.11.2013 and accused Gurdev Singh and Major Singh were acquitted. At present, petitioner-accused namely Amrik Singh and Jagdeep Singh are only accused in the present case and arrayed in the petition.

ii As per the statement of ASI Rajvrinder Singh, no. 448/LDH, Jagsir Singh is only complainant/aggrieved person in the present case and arrayed in the petition.

iii As per the statement of ASI Rajvrinder Singh, no. 448/LDH, accused/petitioners have never been declared proclaimed offenders.

iv In view of the statements so suffered by the respondent-complainant as well as petitioners-accused, it appears that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.”

5. Learned counsel for respondent No.2 admits the *factum* of parties having compromised and states that he has no objection in case the FIR, all proceedings subsequent thereto are quashed along with the judgment of conviction and order of sentence dated 30.11.2013.

6. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure A-1).

7. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

8. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052***. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

(a) Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.



- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*
- (f) *Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) *While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the



above said principles of law would apply to a appeal under Section 528 of BNSS, 2023 as well.

9. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***, the relevant whereof reads thus:-

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 of Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with Page 10 rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh & Ors. vs. State of Punjab & Ors.³ and Laxmi Narayan (Supra).”

9.1. The inherent jurisdiction under section 528 BNSS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of



judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the conviction recognizing the continued proceedings would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and



effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice nay substantial justice between the parties and to secure the ends of justice. Therefore, the High Court, in the exercise of its inherent power under section 528 BNSS, 2023/Section 482 Cr.P.C, 1973 has the discretion to quash a conviction where the parties have reached an amicable settlement, provided such compromise does not impinge upon the public interest or undermine justice, as well as the substantial justice.

10. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS, 2023 to quash the FIR as also the judgment of conviction and order of sentence dated 30.11.2013:-

- (i) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition*

11. Consequently, the appeal is allowed. FIR No. 49 dated 07.05.2012 under Sections 379, 328, 420 of IPC, registered at Police Station Sidwan Bet, District Ludhiana, Punjab, all consequential proceedings arising therefrom including the judgment of conviction and order of sentence dated 30.11.2013 passed by the Additional Sessions Judge, Ludhiana are quashed



and set aside qua the appellant, on the basis of compromise/affidavit dated 5.4.2025 (Annexure A-1).

12. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

04.09.2025

jatn

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No