



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

335

CRM-M-7625-2025

Date of decision: May 20th, 2025

Neeraj Tiwari and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Ameesha Goel, Advocate
for Mr. Sidharth Sharma, Advocate
for the petitioners.

Mr. Gautam Thapar, Senior Deputy Advocate General,
Punjab.

Dr. Rohit Samhotra, Advocate
with Mr. V. Chaitanya Rao, Advocate
for respondent Nos.3 to 6.

MANJARI NEHRU KAUL, J.

Prayer in this petition is for quashing of FIR No.136 dated 18.07.2024 under Sections 115(2), 118(1), 126(2), 194(2), 351(3), 191(3), 190 of the BNS, 2023 (Section 109 of the BNS, 2023 added later on) registered at Police Station Sultanpur Lodhi, Tehsil and District Kapurthala and all subsequent proceedings arising therefrom, on the basis of compromise dated 26.12.2024 (Annexure P-5).

2. Learned counsel for the petitioners has submitted that it is a case of version and cross-version, and that the parties have resolved their differences amicably. It is, thus, argued that in the interest of peace and harmony between the parties, the FIR deserves to be quashed.

3. Learned counsel for the complainant/respondent No.2 does not dispute the factum of compromise and submits that the complainant has no objection if the FIR is quashed in view thereof.

4. However, learned State counsel has vehemently opposed the prayer for quashing by referring to the allegations detailed in the FIR. It has been pointed out that the FIR (which is reproduced hereinunder) discloses a serious incident, wherein the accused-petitioners, along with others, allegedly launched a brutal and premeditated attack on the victims using sharp-edged and dangerous weapons, causing grievous injuries, including one on the abdomen, which was declared as dangerous to life. The occurrence was captured in a video that went viral and as per the learned counsel for the State, created a climate of fear in the locality. It is argued that such acts have a grave societal impact and cannot be glossed over merely because of a subsequent settlement.

“Head Officer Sir, PS Sultanpur Lodhi, Jai Hind. Today along with Mann ASI, Senior Constable Mandeep Sing 630/Kapu, Constable Tarsem Singh 1175/Kapu, PHG Manjeet Singh 28440 were present at the police station when we have found out about video getting viral on the mobile phone of near Amanpreet Hospital Talwandi Road, Sultanpur Lodhi wherein on 16.07.2024, some unknown notorious persons have caused injuries to Abhiraj Pal Singh son of Gursharan Singh resident of Sujo Kalia, PS Talwandi Chaudhrian and Gurpreet Sahota son of Tajinder Singh resident of MandAluwal PS Kapirpur, District Kapurthala. In this regard, ASI, after conducting investigation and receiving information from secret sources, it has been found that on 16.07.2024, around 3:00 PM Nitish Tiwari son of Neeraj Tiwari, Neeraj Tiwari resident of ChownkChailian, Sultanpur Lodhi, Sukhman resident of Jabbowal, Gagan Singh @ Mithu and Daman Josan and Arsh and 10-15 more unknown persons, who were carrying dangerous, sharp weapons near Amanpreet Hospital, Talwandi Road, Sultanpur Lodhi, Kapurthala are being seen causing injuries to Abhiraj Pal Singh son of Gursharan Singh resident of Sujo Kalia, PS Talwandi Chaudhrian and Gurpreet Sahota son of Tajinder Singh resident of MandAluwal PS Kapirpur, District Kapurthala in the video which has

caused a lot of fear and frightful environment amongst the citizens and the offences under Section 115(2), 118(1), 126(2), 194(2), 351(3), 191(3), 190 IPC are made out. The case has been registered and handed over to the Chief Munshi Police Station. The case number should be registered and the control room should be informed. The complaint report has been issued and sent to the Senior Officials. Mann ASI alongwith other officers to conduct investigation.”

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. There is no dispute that in cases of purely personal or private disputes, particularly those having civil flavour such as matrimonial or commercial matters, the Court may, in appropriate circumstances, exercise its inherent powers to quash the FIR upon a compromise. However, the law as laid down by the Hon’ble Supreme Court in ***Criminal Appeal No.349 of 2019 titled as The State of Madhya Pradesh Versus Laxmi Narayan and others*** and ***P. Dharamraj Versus Shanmugam and others 2022 LiveLaw (SC) 749***, makes it abundantly clear that this power is to be exercised with great caution in cases involving serious and heinous offences that strike at the fabric of society.

7. The relevant observations of the Supreme Court in ***Laxmi Narayan’s case (supra)***, which are extracted as under, are instructive:

“9.3 In the case of Narinder Singh vs. State of Punjab (2014) 6 SCC 466, after considering the decision in the case of Gian Singh (supra), in paragraph 29, this Court summed up as under:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate

treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences. of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore

are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial

court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

14. Insofar as the present case is concerned, the High Court has quashed the criminal proceedings for the offences under Sections 307 and 34 IPC mechanically and even when the investigation was under progress. Somehow, the accused managed to enter into a compromise with the complainant and sought quashing of the FIR on the basis of a settlement. The allegations are serious in nature. He used the fire arm also in commission of the offence. Therefore, the gravity of the offence and the conduct of the accused is not at all considered by the High Court and solely on the basis of a settlement between the accused and the complainant, the High Court has mechanically quashed the FIR, in exercise of power under Section 482 of the Code, which is not sustainable in the eyes of law. The High Court has also failed to note the antecedents of the accused."

8. The Hon'ble Supreme Court has emphasized that in cases involving serious offences such as those punishable under Section 307 of the IPC, the Court must consider the nature of the injuries inflicted, the part of the body targeted, the weapon used, and whether the act appears to be deliberate and aimed at causing death or grievous harm. The injuries inflicted on vital organs with deadly weapons, particularly when found to be dangerous to life, negate the possibility of such acts being treated as private or trivial in nature.

9. In *P. Dharmaraj's case (supra)*, the Hon'ble Supreme Court went a step further to caution that the High Court should go slow in exercising jurisdiction under Section 482 of the Cr.P.C. to quash serious offences on the basis of compromise, particularly when such offences involve a wider societal impact and not just the private interests of the parties. It would be relevant to reproduce the observations of the Supreme Court, which are as under:

"41. In Parbatbhai Aahir (supra), referred to by the High Court in the impugned order, a 3 member Bench of this Court again summarised the broad principles on this question in paragraph 16. Paragraph 16.6 and 16.8 to 16.10 of the decision read as follows:-

"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.

16.8. 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."

42. Thus it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.PC or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the offences are capable of having an impact not merely on the complainant and the accused but also on others."

10. A perusal of the FIR annexed as Annexure P-1 and which also stands reproduced hereinabove, *prima facie* discloses that the incident in question was not a sudden altercation but a deliberate assault involving multiple persons armed with deadly weapons. The attack was severe enough to cause grievous injuries, including a stab wound to the abdomen, clearly indicative of an intent to cause serious bodily harm. Furthermore, the act being recorded and circulated virally on social media led to public panic and fear, further aggravating the gravity of the offence. The complaint is not merely reflective of a personal enmity but suggests a conscious disregard for the rule of law and the safety of citizens at large. It has been time and again reiterated by the Hon'ble Supreme Court that the High Court must not exercise its jurisdiction mechanically or merely because both parties have settled. The larger societal interest, the seriousness of the offence must weigh heavily with the Court.

11. This Court is, therefore, constrained to observe that despite the compromise between the parties, the nature of the offence, the seat and severity of injuries, the manner in which the crime was committed,

and its social implications, all weigh against the exercise of inherent powers to quash the FIR in question.

12. It is also to be noted that offences like those under Section 307 of the IPC/109 of the BNS are classified as crimes against the society and not merely against an individual. It is the responsibility of the State to prosecute such offences to ensure deterrence and uphold the rule of law.

13. In view of the above discussion and guided by the authoritative pronouncements of the Hon'ble Supreme Court, this Court finds no justifiable ground to quash the FIR in question merely on the basis of a private settlement between the parties.

14. As a sequel to the above, this Court is not inclined to invoke its inherent jurisdiction to quash the FIR in question. Accordingly, the petition stands dismissed.

15. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 20th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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