



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

CRM-M-26423-2025 (O&M)

Date of Decision:-15.05.2025

Anil Hans and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Binat Sharma, Advocate for the petitioners.
(Through V.C.).

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 528 of BNSS (482 of Cr.P.C) for quashing of FIR No.0050 dated 24.03.2025, under Sections 333, 115(2), 74, 304(2), 324(4), 351(2) and 190 of BNS, 2023 registered at Police Station Sadar Hoshiarpur alongwith all other consequential proceedings on the basis of the compromise dated 10.04.2025 (Annexure P-2).

2. It has been submitted by learned counsel for the petitioners that the FIR in question was registered on 24.03.2025 and the matter now stands amicably resolved between the parties through a compromise dated 10.04.2025 (Annexure P-2) and as such in view of the compromise effected between the parties, it is prayed that the said FIR and all subsequent proceedings arising therefrom may be quashed.

3. At this stage, learned Sr. DAG, Punjab, submitted that he has received an advance copy of the present petition and has also sought



instructions in the present case. He submitted that it is a case where serious allegations have been levelled against the petitioners and as per the allegations, the complainant who is a lady of 57 years of age, has stated that on 19.03.2025, her husband had gone to his shop and her grandson had gone to school. Both her mother-in-law and she were present at the house and it was around 12:30 p.m. when the gate of the house was knocked. She opened the gate and two young men were standing there. They asked her if it was Rohit's house, to which she stated that it was not Rohit's house. The two young men then went away. Later, at about 2:30 p.m. when her mother-in-law and she were sitting in the *verandah*, the same two young men who had visited earlier, forcibly opened the gate again and entered the house. Four other unknown young men also came inside the house with them.

4. As soon as they came, a young man asked them to call Rohit out and it was told to them that it was not Rohit's house and then a young man grabbed her by the hair and the third youth namely Anil Hans (Petitioner No.1) said that ask her carefully where is Rohit to which Anil Hans (Petitioner No.1) who is a co-accused, grabbed the complainant by her hair, threw her down, dragged her away, punched her on the head and tore the zipper of her garment. The remaining youths also assaulted her by punching her on the nose, mouth, and various other parts of her body. Thereafter her mother-in-law namely Soma Devi who is about 90 years old, came forward to rescue then youths also slapped and pushed her mother-in-law and entered all the rooms of the house and asked where the Rohit was. One of the youths pulled the gold chain weighing about 2 tolas from the neck of complainant. Her mother-in-law and she shouted “killed killed” and hearing their shouts, one



of the neighbours namely Amardeep Singh son of Mahendra Singh came to the spot and one of the youths slapped him as well. They also hit her in the front mirror and broke it and threatened to kill her saying that they will shoot her at night and fled on their motor-cycle and Aactiva. Blood was flowing from her head and she was then taken to the Civil Hospital in Hoshiarpur for treatment.

5. Learned Senior Deputy Advocate General, Punjab, submitted that not only the allegations against the present petitioners are serious in nature but also the matter is still at the investigation stage. He further stated that the petitioners have actively concealed material facts from this Court. He also submitted that all the petitioners are habitual offenders and they failed to disclose this fact when filing the present petition for quashing the FIR based on a compromise. He also submitted that so far as the petitioner No.1 is concerned, he is involved in 03 more cases of similar nature while petitioners No. 2 and 3 are involved in six more such cases. All of them, being habitual offenders, entered the house of a lady in the afternoon, where she was present along with her 90 years old mother-in-law and beat both of them and blood started oozing from the head of the complainant and they also snatched a gold chain etc., from the complainant. As such, considering the aforesaid facts and circumstances, the matter falls into the category of serious and heinous offence and therefore, prayed that the present petition may be dismissed.

6. I have heard the learned counsels for the parties.

7. The petitioners, who are three in number have filed this petition for quashing of FIR based on a compromise. The so-called compromise, as



per Annexure P-2, is also on record, which mentions that through mutual understanding and settlement, the matter has been resolved. However, Annexure P-2 is purportedly a compromise by way of affidavit. A perusal of vernacular of Annexure P-2 would show that it is not in the nature of an affidavit, but rather in the nature of a compromise as it is so stated as "*Raazinama*." Moreover, it has not been attested by any attesting authority. Therefore, it is clear that the translated copy of Annexure P-2 is incorrect, as it refers to it as an affidavit. In other words, the translation of Annexure P-2 is incorrect.

8. The law with regard to quashing of the FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in "***State of Madhya Pradesh Vs. Laxmi Narayan***", (SC) 2019(196) AIR 1 held that in matters which fall under the category of serious or heinous offences, the FIR or criminal complaint should not be quashed particularly at the threshold. Although there is no absolute bar for quashing of the FIR and criminal proceedings but cases that are serious and heinous in nature should not be quashed at the threshold. Quashing can be done by way of a compromise in cases that are essentially private in nature, such as matrimonial matters, financial disputes, or other cases where minor injuries have been inflicted due to sudden fight. However, in the present case, the allegations against the petitioners are very serious and grave, wherein they entered the house of the complainant in broad daylight, where there were two ladies, one being the complainant and the other her 90 years old mother-in-law. Not only did they snatch gold items, but they also gave beatings to both the ladies and went into each and every room of the house, as per the allegations contained in the FIR.



9. It is during the time when the investigation is still ongoing that the petitioners have approached this Court seeking quashing of the FIR based upon the so-called compromise. This Court is of the considered view that, in light of the law laid down by the Supreme Court in *Laxmi Narain's case (supra)*, no interference can be made for quashing the present FIR based on the compromise, considering the seriousness and gravity of the offence. This Court is satisfied that the subject matter of allegations falls in the category of serious and heinous offence.

10. Additionally it has been so specifically submitted by learned State counsel that the petitioners have actively and deliberately concealed the material facts from this Court by non-disclosure of their criminal antecedents. As per learned State counsel, petitioner No. 1 is involved in three more cases of a similar nature and petitioners No. 2 and 3 are involved in six more cases of a similar nature, making them habitual offenders. No justification has come forth as to why the petitioners have concealed these material facts from the Court.

11. In view of the above, the present petition is hereby dismissed with exemplary costs of Rs. 1,50,000/- (i.e. Rs. 50,000/- qua each petitioner). All three petitioners are hereby directed to deposit the aforesaid costs before the learned Chief Judicial Magistrate, Hoshiarpur, within a period of three months from today. Upon their depositing the aforesaid costs, the learned CJM, Hoshiarpur, shall transmit the said costs to the District Legal Services Authority, Hoshiarpur. In case the aforesaid costs are not deposited by the petitioners within the stipulated time frame, the learned CJM shall ensure that



the same is recovered from them in accordance with the law, including by way of arrears of land revenue.

(JASGURPREET SINGH PURI)
JUDGE

15.05.2025

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