



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

CRM-M No.29100 of 2025
Date of decision: 26th May, 2025s

Naresh Kumar & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Sharma, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.41 dated 22.04.2025 under Sections 140(1) BNS registered at Police Station Daba, District Ludhiana (Annexure P-1) on the ground that the parties have amicably resolved their differences and have entered into a compromise, a copy of which has been annexed as Annexure P-2.

2. Learned counsel for the petitioners submits that the dispute in question arose out of personal differences and was never intended to escalate into protracted criminal litigation. It is submitted that with the intervention of family members and respectables, the matter has been amicably settled between the petitioners and respondent No.2/ complainant, who has no objection to the quashing of FIR. Reliance has been placed upon the compromised deed to contend that the continuation of the criminal proceedings would serve no fruitful purpose

and would only result in unnecessary harassment of the parties, especially in light of the settlement.

3. Notice of motion.

4. Mr. Shiva Khurmi, Asst. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State.

5. Learned State counsel has opposed the quashing of the FIR on the ground that the allegations against the petitioners, particularly petitioner No.8, Money Khachhar @ Money Kumar, are grave in nature. While drawing the attention of this Court to the FIR, which stands reproduced hereunder, it has been submitted that it contains serious allegations of abduction; it has also been brought to the notice of this Court that petitioner No.8 is involved in at least 2 other criminal cases of a similar nature.

“Stated that I am a resident of the said address and I am running a Golgappa Tikki stall at Daba Ludhiana. We are three sisters and brothers and all are married. I have a brother namely Ramdayal aged 35 years who lives in City Garden Colony 33 Foota Road opposite Ranjit Marble Daba Ludhiana and is a vendor of Golgappa Tikki. Yesterday, on 21-04-2025, around 8.30 to 9.00 PM, a passerby told me that my brother Ramdayal is having a fight going on in the street at his vend. At that time I left my tenement and went to my brother's tenement near City Garden Colony, 33 Foota Road, Ranjit daba. Where there were 10-12 unknown youths with swords and iron weapons who were giving beatings to my brother. There were two vehicles/cars nearby. The number of one of them was PB10HK0707 and while I was watching, they pushed my brother Ramdayal in car and took him away in the car. I later came to know that the unknown young man who

pushed my brother into the car and kidnapped him were Mani Khachar son of Ramesh Kala resident of Mohalla Gagan Nagar Daba Ludhiana, Suresh Rajput, Surinder, naresh Kumar sons of pritpal residents of Amardas Colony Ludhiana and the rest i can identify on seeing them. I have also come to know that after kidnapping my brother Ramdayal, they have gone with their weapons and vehicles to the house of Rakesh Kumar son of Bharat Lal in Pakhar Colony. Where the same kidnappers also beaten-up Rakesh Kumar and kidnapped ramdayal. The motive for this is that rajan friend of my brother had solemnized love marriage with dia d/o suresh rajput and my brother was witness to it, regarding which my brother Ramdayal had given testimony. That's why these kidnappers Kidnapped Ramdayal, and with the intention to kill him by beating to my brother. They Have kidnapped it and taken it away. We kept searching for Ramdayal till now but we could not find him. After establishing communication with Rakesh Kumar, i was going to the police station to inform that i have met you at Gagan Nagar. Ramesh Kumar”

6. It has been therefore prayed by the learned State counsel that the instant petition deserves to be dismissed as permitting the quashing of the FIR in such circumstances would amount to an abuse of the process of law.

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

8. It is well settled that this Court, in exercise of its inherent powers under Section 528 of BNSS (akin to Section 482 of the Cr.P.C.), possesses the jurisdiction to quash criminal proceedings where the parties have settled their disputes amicably. This jurisdiction is

exercised to prevent the abuse of the process of the Court and to secure the ends of justice.

9. In appropriate cases, particularly those arising out of matrimonial, commercial, or other private disputes, this Court may quash criminal proceedings if the parties have amicably resolved their disputes, and if such quashing does not contravene public policy or cause prejudice to others.

10. In **‘State of Madhya Pradesh vs. Lakshminarayan’ CRA-349 of 2019**, the Hon'ble Supreme Court clarified that the High Court, while considering such petitions, must exercise caution and must not quash criminal proceedings involving serious or heinous offences merely because the parties have settled their dispute. The Hon'ble Apex Court laid down certain parameters for the exercise of jurisdiction in compromise based quashing petitions, including:

- the nature and gravity of the offence;
- whether the accused is a habitual offender or has any criminal antecedents;
- the conduct of the accused and the manner in which the compromise was arrived at;
- whether the compromise appears to be genuine or motivated by coercion or inducement.

11. Adverting to the present case, the FIR contains specific and serious allegations against the petitioners, particularly relating to offences under Section 140(1) of BNS, including the alleged abduction of the complainant. These are not mere private or trivial disputes, but involve allegations that touch upon public order and safety.

12. Furthermore, it has been specifically brought to the notice of this Court, and has not been disputed by the counsel for the petitioners, that petitioner No.8, Money Khachhar @ Money Kumar, has previous criminal antecedents and is involved in 2 other criminal cases. The pendency of criminal cases against him raises serious questions about the bona fides of the compromise and the likelihood of recurrence of criminal activity. In such a situation, it cannot be ruled out that the present compromise may have been induced by fear, coercion, or extraneous considerations, thereby vitiating its voluntariness.

13. The previous criminal antecedents of petitioner No.8 militates against the principles laid down in **Lakshminarayan (supra)**, where the Hon'ble Supreme Court categorically cautioned against quashing of FIRs involving habitual or repeat offenders on the basis of compromise. The object of criminal law is not only to settle disputes between parties, but to uphold societal order and deter criminal conduct.

14. It is also noteworthy that an alternative plea has been raised for partial quashing of the FIR to the exclusion of the petitioner No.8. This Court, however is not inclined to accept this alternate prayer of the petitioners.

15. In '**Rakesh Das vs. State of Haryana**' 2024 LiveLaw (PH) 344, it has been categorically held by the Hon'ble Division Bench of this Court that quashing of an FIR cannot be permitted on the basis of a partial compromise. The said judgment authoritatively holds that where the allegations are intertwined and the compromise does not encompass all the accused, such selective quashing would result in piecemeal adjudication and is impermissible in law.

16. In view of the aforementioned legal position and the facts on record, this Court is not inclined to accept the prayer of the petitioners. The offences alleged in the FIR are of a serious nature and not merely private disputes. Furthermore, petitioner No.8, Money Khachhar @ Money Kumar, is a person with criminal antecedents and is stated to be involved in 2 other criminal cases. His involvement in the present case, therefore, cannot be treated in isolation or overlooked. In the light of aforesaid, the present petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2025

rps

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