



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

283

CRM-M-33411-2024

Date of decision: 28.08.2025

KUNAL SHARMA AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lakshay Bector, Advocate for the petitioners.

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

Mr. Manish, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.29 dated 24.02.2022 under Sections 323, 324, 148, 149, 506, 307 of IPC, registered at Police Station Division No.8, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 28.09.2022 (Annexure P-2), which is stated to have been effected between the parties.

2. On 17.07.2024, the following order was passed:

“The present petition has been filed for quashing of an FIR No.29 dated 24.02.2022 (Annexure P-1) under Sections 323, 324, 148, 149, 506, 307 IPC at Police Station Division No.8, District Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise dated 24.07.2023 (Annexure P-2), entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise dated 24.07.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.



Ms. Ramta K Chaudhary, DAG, Punjab and Mr. Namish Sodhi, Advocate, accepts notice on behalf of respondent No.2 and has filed his Vakalatnama. The same is taken on record. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainants do not wish to press the allegations alleged in the FIR any further.

Adjourned to 18.11.2024

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statement with regard to compromise dated 24.07.2023 (Annexure P-2) on 12.08.2024 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh is being run by Chandigarh Scheduled Castes, Backward Classes and Minorities Financial and Development on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.

Meanwhile, the learned counsel for the petitioners as also the counsel for the State are directed to place on record the relevant medical opinion as to the nature and seat of injuries in terms of the judgments passed in the cases of 'Narinder Singh and others versus State of Punjab and another, 2014(2) RCR (Criminal) 482' and 'State of Madhya Pradesh versus Laxminarayan and others, (2019) 5 SCC 688', so that this Court can examine the medical record to see whether an offence under Section 307 IPC is made out or not."

3. Pursuant to the aforesaid order, report dated 22.08.2025 from Additional District and Sessions Judge, Ludhiana has been received, which



is taken on record. As per the report, the Trial Court has recorded as follows:-

“(1) Total six accused were arrayed in the FIR. Four accused persons namely Suraj Kumar, Jannat Kumar, Anil Kumar and Kunal Sharma were challaned under Section 173 Cr.P.C. and two other accused namely Mohit Jagota and Anshul were kept in column No.2 in the challan, who are yet to be arrested in the present case. However, FIR against accused Suraj Kumar has already been quashed by Hon'ble High Court vide order dated 23.08.2023 passed in CRM-M-48627-2022.

(2) No accused is declared as proclaimed offender;

(3) From the statements of the parties, this court is of the considered opinion that compromise is genuine, voluntary and without any coercion or undue influence;

(4) As per statement of Investigating Officer, accused Jannat Kumar and Anil Kumar are not involved in any other FIR. However, eight other criminal cases have been registered against accused Kunal Sharma.

(5) In the present case, there is only one injured/victim namely Nikhil Dhir, whose statement has been recorded.

(6) As per record, there is only one victim/ complainant namely Nikhil Dhir in the FIR and he along with accused are party to compromise in question.”

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

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

7. 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 and 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 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.*

8. 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 482 of Cr.P.C., to quash the FIR as :-

- (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.*

9. Consequently, the petition is allowed. FIR No.29 dated 24.02.2022 under Sections 323, 324, 148, 149, 506, 307 of IPC, registered at Police Station Division No.8, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 28.09.2022 (Annexure P-2), are, hereby, quashed qua the petitioners.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

28.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No