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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025.PHHC:168667



CRM-M-51784-2025 (O&M)

Date of decision: 02.12.2025.

AMIT KUMAR AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kamil Nagpal, Advocate,
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Utkarsh Sharma, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR No.342 dated 21.11.2024 (Annexure P-1) registered under Sections 110, 115 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Chappar, District Yamuna Nagar, wherein Section 109(1) was

subsequently added after the filing of the final report/chargesheet dated 10.01.2025 and Section 110 was deleted, along with all consequential proceedings arising therefrom on the basis of compromise dated 28.08.2025 (Annexure P-2).

2 Briefly stated, the prosecution case, as gathered from the First Information Report lodged by the complainant Rinku, son of Sukhwinder Singh, is that on 17.11.2024 he had attended, along with his children, the wedding of his brother-in-law Suraj at village Jhinharon, where the accused persons Lal Singh, son of Ramkumar; Vishal, son of Satbir; Amit, son of Ramkumar; and Satish @ Kala, son of Mehar Chand, all residents of village Gugloo were also present. An altercation is alleged to have arisen between the complainant and the accused over the change of a DJ song, though the relatives intervened and the matter was momentarily diffused. At about midnight, when the complainant was standing in the porch of his brother-in-law's house, Vishal and Lal Singh, who were departing on a motorcycle, stopped abruptly, alighted and were soon joined by Amit and Satish @ Kala; all four allegedly abused the complainant. It is further alleged that Lal Singh, acting out of enmity, picked up a brick from the street and hurled it at the complainant, striking the left side of his head and causing profuse bleeding and dizziness, whereafter he was taken by his brother-in-law to the Civil Hospital, Yamunanagar and subsequently referred to PGI, Chandigarh. The complainant was thereafter shifted by his family to M.M. Mullana Hospital, where he underwent surgery for a skull fracture and remains under treatment. On these assertions, the complainant alleged that the accused persons had wrongfully restrained, assaulted and inflicted grievous injuries upon him and

sought initiation of appropriate legal action against them.

3 The parties were directed to appear before the trial Court/Illaqa Magistrate vide order dated 16.09.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

4 Pursuant to the said order, report has been received from the Judicial Magistrate First Class, Jagadhri, vide Memo No.451 dated 18.11.2025. The relevant extract of the report is reproduced as under:-

“It is submitted that as per the compromise dated 29.09.2025, the petitioners have paid the payment of costs of Rs. 10,000/- each in the "Haryana State Disaster Response Fund" maintained by the State Bank of India, A/C No. 39681102475, IFSC-SBIN0010603 vide receipt dated 04.11.2025.

4. On oral inquiry both the parties have stated that the matter has been settled amicably without any pressure, undue influence or coercion in any manner. I also specifically inquired from the complainant about the validity of compromise. They stated that the compromise arrived at in the said matter is voluntarily and without any kind of undue influence or coercion.

5. It is further submitted that all the accused and complainant/victims are entered into the compromise and they signed the statements made before the Court.

6. No other affected person is left out from being arrayed as party in the quashing petition before the Hon'ble High Court of Punjab & Haryana.

7. This Court is satisfied that the compromise is genuine, voluntary and without coercion or undue influence.

8. It is submitted that the undersigned is satisfied that the matter has been settled between the parties amicably/voluntarily. It is further submitted that as per statement of SI Rajesh Kurnar,

No.242/A, P.S Chappar District Yamuna Nagar. (Investigating Officer), which is attached herewith, he stated that total four accused persons (i) Vishal son of Sh. Satbir (ii) Lal Singh Son of Ram Kumar (iii) Amit Kumar son of Ram Kumar (iv) Satish Kumar son of Mehar Chand were arrayed as accused persons in the present FIR.

9. As per the statement of Investigating Officer, the complaint has been filed by Rinku S/o Sukhwinder Singh. In the present, FIR Rinku S/o Sukhwinder Singh and Aarti W/o Rinku are victims. No other affected persons are left out as party in the quashing petition before the Hon'ble High Court.

10. It is submitted that none of the accused persons are declared proclaimed offender/person. Accordingly, no such proceedings initiated or pending adjudication against them. No other aspect are relevant to the present case.”

5 Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

6 Learned counsel appearing for the petitioners submits that the essential ingredients constituting the offence under Section 109 of the Bharatiya Nyaya Sanhita, 2023, are wholly absent in the present matter. It is contended that Section 109 BNS necessarily requires a clear and specific intention to cause such bodily injury as would fall within the ambit of an attempt to commit murder and that no such intention can reasonably be inferred from the facts on record. Counsel highlights that the complainant sustained only a single injury and no further overt act was attributed to the petitioners thereby negating any presumption of a premeditated or intentional assault of the gravity contemplated under Section 109. The act viewed in its totality, reflects at best a rash or reckless gesture arising out of a trivial

altercation, and cannot, by any stretch of reasoning, be elevated to the level of an offence involving the requisite mens rea for attempting to cause death.

7 Learned State counsel, does not dispute the legal position so advanced. He fairly submits that the application of Section 109 BNS in the given factual matrix would, at most, be circumstantial and not supported by any material indicative of an intention to commit an offence of such magnitude. He further concedes that the facts may, at best, give rise only to an offence under Section 118(1) BNS, which is compoundable in nature. The State counsel also does not dispute the compromise effected between the parties and raises no substantial objection to the dispute being resolved in terms of the said settlement.

8 I have heard the land Counsel for the parties and have gone through the documents appended with the present petition.

9 The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) were summarized by the Hon'ble Supreme Court in the matter of ***'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another'*** ***(2017) 9 SCC 641'***. The relevant paragraphs are extracted as under:

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for

the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is noncompoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

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.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

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.”

10 The Hon'ble Supreme Court has held in the matter of '**Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834'**, that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

11 The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS:-

- (i) The incident pertains to the year 2024 and the alleged act occurred more than a year ago.

- (ii) The petitioners were young at the time of the occurrence, petitioner No. 1 being 21 years old; petitioners Nos. 2 and 4 being 22 years old; and petitioner No. 3 being 30 years of age, indicative of immaturity and impulsiveness rather than deliberate criminality.
- (iii) The continuation of criminal proceedings would inflict disproportionate and irreparable harm upon the petitioners adversely affecting their livelihood, employment prospects and familial obligations and thereby undermining their prospects for rehabilitation.
- (iv) The nature of the alleged act does not disclose the requisite mens rea for the graver offence under Section 109 BNS, further diminishing the justification for prolonging prosecution.
- (v) The parties have voluntarily entered into an amicable settlement, and the compromise deed is duly placed on record, reflecting that the complainant has chosen to put the dispute to rest.
- (vi) The dispute has lost its adversarial character and the continuation of proceedings would serve no meaningful purpose.
- (vii) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience

of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

12 Thus, in view of the aforesaid mitigating circumstances, the report of the Judicial Magistrate First Class, Jagadhri, and bearing in mind the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No.342 dated 21.11.2024 (Annexure P-1) registered under Sections 110, 115 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Chappar, District Yamuna Nagar, wherein Section 109(1) was subsequently added after the filing of the final report/chargesheet dated 10.01.2025 and Section 110 was deleted, along with all consequential proceedings arising therefrom is hereby quashed on the basis of compromise dated 28.08.2025 (Annexure P-2) entered between the parties.

13 Petition is allowed in above terms.

December 02, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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