



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-9153-2026 (O&M)

Date of decision: 18.05.2026

Ajay Kumar and another

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- None for the petitioner(s).

Ms. Aiman J. Chishti, AAG Punjab.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for seeking quashing of case bearing FIR No.130 dated 22.08.2025 registered under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Adampur, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise deed dated 08.01.2026 (Annexure P-2).
2. There is no representation on behalf of the petitioner(s) as well as respondent No.2.
3. A perusal of the present petition shows that the present FIR was registered on the statement/complaint of Kashmir Lal son of late Khushi Ram. In the complaint, it was stated that the complainant is a resident of the village concerned and had earlier served as a member of the Gram Panchayat. It was further stated that there exists a temple dedicated to *Bhagwan Valmiki Ji* in the village and that the villagers had entrusted the complainant with the responsibility of serving as the head *sevadar* of the

said temple. The complainant stated that a donation box (Golak) had been placed inside the temple premises and that devotees visiting the temple used to offer donations therein as per their faith and devotion. It was further stated that the complainant used to lock the temple premises during the night hours and open the same in the morning to enable devotees to offer prayers during the day. According to the complaint, on 16.04.2025, while the temple remained open during daytime, the complainant entered the temple premises at about 11:30 A.M. and discovered that the Golak kept inside the temple was missing. Suspecting theft, the complainant informed the villagers regarding the incident. Thereafter, the villagers and the complainant conducted a search in the surrounding area and upon reaching a nearby cremation ground, found the empty Golak lying inside a canal. It was further noticed that the thread attached to the Golak had been broken and that the donation amount of approximately Rs.15,000/- kept therein was missing. The complaint further records that at the spot, one Gurvinder Singh son of Paramjit Singh, resident of village Dhirowal, informed the complainant and the villagers that he had seen Vishal son of late Sudgar Ram and Ajay Kumar son of Kewal Ram, both residents of village Dhirowal, carrying away the Golak in a sack towards the cremation ground. It was alleged that the said witness had personally seen the aforesaid persons removing the Golak on the same day. It was further alleged that despite making inquiries at their own level after the incident, both the aforesaid persons had been missing from the village since the date of occurrence, which strengthened the suspicion regarding their involvement in the theft. On the basis of the aforesaid allegations, the complainant asserted that Vishal and Ajay Kumar

had stolen the Golak from the temple and dishonestly removed approximately Rs.15,000/- kept therein as donation money.

4. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

5. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 17.02.2026 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.

6. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Jalandhar vide Memo No. 150 dated 07.04.2026. The relevant extract of the report is reproduced as under:-

<i>S. No.</i>	<i>Information required</i>
<i>Question I</i>	<i>Total number of persons found involved as accused in the dispute/FIR;</i>
<i>Answer</i>	<i>As per the statement of SI Ravinder Singh No.311/Hoshiarpur, there are two persons namely Ajay Kumar & Vishal, who are involved as accused in the dispute/FIR.</i>
<i>Question II</i>	<i>Number of complainant/victim(s);</i>
<i>Answer</i>	<i>As per the statement of SI Ravinder Singh No.311/Hoshiarpur, there is only one person namely Kashmir Lal, who is complainant/Victim, in the present FIR.</i>
<i>Question III</i>	<i>Whether all the accused and complainant / victims are party to compromise & signed the same;</i>

<i>Answer</i>	<i>As per the statement of SI Ravinder Singh No.311/Hoshiarpur, all accused and complainant/victims are party to the compromise and signed said compromise.</i>
<i>Question IV</i>	<i>In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof;</i> <i>OR</i> <i>His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person;</i>
<i>Answer</i>	<i>As per the statement of SI Ravinder Singh No.311/Hoshiarpur, no other persons is affected in the present FIR except the complainant Kashmir Lal and the accused persons are namely Ajay Kumar and Vishal, who are arrayed as party in the quashing petition filed before Hon'ble Punjab & Haryana High Court at Chandigarh.</i>
<i>Question V</i>	<i>Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication;</i>
<i>Answer</i>	<i>As per the statement of SI Ravinder Singh No.311/Hoshiarpur, none of the accused is proclaimed offender in the present FIR.</i>
<i>Question VI</i>	<i>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence;</i>

Answer	As per the statement of the parties, the compromise so arrived at between the parties, seems to be genuine, voluntary and without any coercion or undue influence.
Question VII	Any other aspect relevant to the present case.
Answer	-----

7. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

8. There is no representation on behalf of respondent No.2, however, the factum of compromise stood admitted by him on 17.02.2026 and he had given his concurrence to the FIR and all other consequential proceedings being quashed and affirmed during statement before the trial Court.

9. The broad principles for exercising the powers under Section 482 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 non-compoundable.*

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. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

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 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- i) *The dispute giving rise to the present FIR is essentially monetary in nature, arising out of a theft from a mandir.*
- ii) *The substance of the allegations pertains primarily to theft and does not disclose any element affecting public peace, societal morality, or the sovereignty and integrity of the*

State.

- iii) *The parties have amicably resolved their inter se disputes and have entered into a full and final settlement voluntarily, without any coercion, undue influence or compulsion.*
- iv) *The petitioners are aged approximately 31 and 22 years respectively and continued exposure to criminal proceedings and the apprehension of incarceration would adversely affect not only their livelihood and professional standing but would also seriously prejudice their ability to discharge familial, social and financial obligations towards their dependents.*
- v) *The FIR in question pertains to the year 2025 and the proceedings are still at a preliminary stage.*
- vi) *The offences alleged cannot be categorized as heinous offences involving mental depravity or offences having such grave societal impact so as to shock the collective conscience of society or that of the Court.*
- vii) *The allegations do not pertain to offences against the State, acts of terrorism, offences involving extreme violence, sexual offences or crimes having grave repercussions upon public order or institutional integrity.*
- viii) *The complainant, having entered into a lawful compromise with the petitioners, is no longer desirous of pursuing the criminal proceedings. Thus, the possibility of*

the prosecution securing a meaningful conviction is rendered extremely remote and bleak.

- ix) *Continuation of the criminal proceedings in such circumstances would only result in unnecessary prolongation of litigation, avoidable harassment to the parties and futile consumption of valuable judicial time.*
- x) *There is nothing on record to suggest that the petitioners are habitual offenders or persons having criminal antecedents indicative of criminal propensity.*
- xi) *Quashing of the proceedings would advance the cause of justice, promote harmony between the parties and secure lasting peace and finality to the dispute.*

12. In view of the report of the Judicial Magistrate 1st Class, Jalandhar and 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.130 dated 22.08.2025 registered under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Adampur, District Jalandhar along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise deed dated 08.01.2026 (Annexure P-2).

13. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

18.05.2026

Mangal Singh

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