



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

CRM-M-14333-2025
Date of decision: 14.01.2026

KULDEEP KUMAR AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present: - None for the petitioners.
Mr. Rituraj Singh, DAG, Punjab.
None for respondents No.2 to 9.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.10 dated 22.01.2025 under Sections 118(1), 115(2), 126(2) and 3(5) of the BNS, 2023 registered at Police Station Khuian Sarwar, District Fazilka along with all subsequent proceedings arising therefrom on the basis of compromise deed dated 17.02.2025 (Annexure P-2).
2. Briefly stated, the facts of the case, as averred in the petition, are that the aforesaid FIR was registered on the statement of Sunil Kumar, who stated that on 02.01.2025, at about 8:00 p.m., while he was on his way home,

the accused persons, including the petitioner herein, were standing nearby owing to an alleged prior grudge. Kuldeep Kumar raised a loud lalkara and assaulted the complainant party, as a result of which they sustained grievous injuries. It was further stated by the complainant that the injured persons were admitted to Civil Hospital, Abohar, where the attending doctor reported that Om Parkash had suffered a head injury and was referred to GGS Medical College, Faridkot, for further treatment. The occurrence was stated to have been reported to the police, whereupon investigation was undertaken and the present FIR came to be registered against the accused persons.

3. There is no representation on behalf of petitioner as well as the respondents No.2 to 9.

4. It is, however, averred in the petition that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved.

5. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 15.09.2025 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.

6. Pursuant to the order dated 15.09.2025, cost has already been deposited and receipt thereof is taken on record. A report has also been received from the Judicial Magistrate 1st Class, Abohar vide Memo No. 916 dated 04.11.2025. The relevant extract of the report reads thus:-

(I) As per above statement of parties, it appears that the parties have voluntarily entered into compromise and the compromise between them is genuine.

(II) As per above statement of parties, statement of Investigating Officer and as per report, in the present FIR, four persons namely petitioner no.1 Kuldeep Kumar, petitioner no.2 Mahinder Kumar, petitioner no.3 Birbal Ram, petitioner no.4 Ram Saroop @ Monu have been arrayed as accused. It is pertinent to mention here that as per the above statement of parties, statement of Investigating Officer and as per report, On the basis of statement of Kuldeep Kumar (petitioner no.1) one cross rapat no.46 dated 22.01.2025 was entered against respondent no.2 Sunil Kumar, respondent no.3 Om Parkash, respondent no.4 Ishar Ram, respondent no.5 Kalu Ram, respondent no.6 Ajay, respondent no.7 Surinder Kumar, respondent no.8 Sandeep Kumar, respondent no.9 Ravi @ Bablu.

(III) As per above statement of parties, statement of Investigating Officer and as per report, all the accused/victims (petitioners and respondent no. 2 to 9) have entered into the compromise.

(IV) As per statements of parties, the compromise between the parties is not partial compromise.

(V) As per above statement of parties, statement of Investigating Officer and as per report, the challan in the present case has not been presented in the court.

(VI) As per above statement of parties, statement of Investigating Officer and as per report, accused/petitioners and respondents are not involved in any other criminal case.”

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. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure 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' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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.

9. The Hon'ble Supreme Court has held in '**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.

10. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

(i) It is established from the report of Judicial Magistrate First Class, Abohar that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

(ii) The allegations in the FIR disclose a sudden altercation arising out of a prior personal grudge, and do not prima facie indicate any premeditated or calculated criminal intent on the part of the accused.

(iii) The incident appears to have occurred in the heat of the moment, following an exchange of words, and thereafter escalated into a brief scuffle.

(iv) Petitioner No.1 is aged about 22 years,

petitioner no.4 is aged about 28 years, petitioner no.2 is aged about 44 years and petitioner no.3 is aged 79 years and continuation of criminal proceedings is likely to have a serious and disproportionate impact on their career and future prospects and in the discharge of his social and professional obligations.

(v) The dispute is purely personal and localised in nature, emanating from *inter se* differences between the parties and does not involve any element of public disorder or societal impact warranting continuation of criminal proceedings.

(vi) Significantly, the parties have amicably resolved their disputes and entered into a compromise of their own free will, with the intervention of respectable members of the society, thereby restoring peace and harmony between them.

(vii) The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.

(viii) In view of the compromise so arrived at, the likelihood of the complainant and injured witnesses supporting the prosecution case is remote and the probability of securing a conviction is also bleak.

(ix) The continuation of criminal proceedings

would serve no larger public purpose and would only result in unnecessary harassment of the parties and futile expenditure of valuable judicial time.

(x) The offences alleged cannot be characterised as heinous or of such gravity as to shock the conscience of society at large or of this Court.

(xi) In the totality of the circumstances, the continuation of the FIR and all proceedings emanating therefrom would amount to an abuse of the process of law and the ends of justice would be better served by quashing the same in view of the compromise effected between the parties.

11. In view of the report submitted by the Judicial Magistrate First Class, Abohar and having regard to the settled principles laid down by the Hon ble Supreme Court on the subject, the instant petition is **allowed**. The aforesaid FIR No.10 dated 22.01.2025 under Sections 118(1), 115(2), 126(2) and 3(5) of the BNS, 2023 registered at Police Station Khuian Sarwar, District Fazilka and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise deed dated 17.02.2025 (Annexure P-2).

JANUARY 14, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No