



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-23733-2025
Date of decision: 06.05.2026

AVNEET SAINI AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

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

Present: - Mr. Abhinandan Sekhri, Advocate
for the petitioners.

Ms. Aiman J. Chishti, AAG, Punjab.

Mr. Geeteshwar Saini, Advocate
for respondents No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. This is a petition filed under Section 528 of B.N.S.S for quashing of FIR No. 124, dated 15.09.2024, registered under Sections 115(2),126(2),351(1),324(4), 190 of B.N.S, 2023 at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.09.2024 (Annexure P-2).

2. The above FIR had been registered on the statement of Ashwani Kumar son of Nand Lal, resident of Balour, Police Station Beranj, District

Hamirpur (Himachal Pradesh), who alleged that on 14.09.2024 at about 11:00 A.M., one Amrit, resident of Branda, Police Station Noorpur, Himachal Pradesh, along with 5/6 unidentified persons, came to the Bar Reception and stated that he intended to celebrate a birthday party. They were accordingly seated in the basement area of the Bar by Pankaj, an employee of the establishment. During the course of the party, the complainant also reached the hotel and upon visiting the basement at about 02:30 P.M., found the said persons consuming liquor, dancing on the DJ floor and throwing birthday cake upon each other. It was further noticed that they had scattered cake on the walls and sofas of the Bar and had also caused damage to other articles/property of the establishment. When the complainant objected to their conduct, Amrit along with the unidentified persons allegedly wrongfully restrained him, threw him on the sofa and assaulted him. They also abused the complainant in filthy language and threatened to kill him, besides confining him in the basement for some time. Thereafter, the complainant somehow managed to rescue himself and came to the reception area, whereupon the accused persons left the Bar while extending threats to him. The entire occurrence is stated to have been captured on the CCTV cameras installed at the premises. The complainant also got his medico-legal examination conducted at Civil Hospital, Pathankot. Hence, legal action was sought against Amrit and the other unidentified persons and the present FIR was got registered.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was

effected on account of free will and without any pressure and coercion.

Hence, the present petition.

4. Pursuant to the orders passed by this Court dated 02.05.2025 and 04.08.2025 respectively, a report has been received from the Judicial Magistrate, 1st Class, Pathankot vide Memo No. 312 dated 03.09.2025. The relevant extract of the report reads thus:-

(i) Seven accused namely Amrit Singh, Ritik Pathania, Vinay, Deepak Kumar, Pranav(juvenile), Avneet Saini @Abhi (Juvenile) and Piyush Kumar(juvenile) have been arrayed as accused in this FIR.

(ii) As per record, the present petition has been filed by all the accused.

(iii) Accused have not been declared as proclaimed offender.

(iv) Compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

(v) As per statement of IO, accused are not involved in any in any other FIR or any other case.

(vi) As per statement of SI Gurdip Singh, there is only one victim/complainant namely Ashwani Kumar in the FIR.

5. 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.

6. Mr. Geeteshwar Saini, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and his concurrence to the quashing of the FIR along with all the other consequential proceedings.

7. 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 ***Gian Singh v. State of Punjab and Another***, reported as (2012) 10 SCC 303, wherein it was held as under:

61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial,

mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(Emphasis supplied)

8. 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:-

- a. It is established from the report of Judicial Magistrate 1st Class, Pathankot that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

- b. That the dispute allegedly arose on account of a trivial issue during the birthday celebration, when the complainant objected to the guests throwing cake on each other and allegedly causing disturbance/damage inside the Bar premises, which led to a verbal altercation and scuffle between the parties.
- c. Petitioners are young boys and are in their late teens and early twenties and continued incarceration in a criminal case will cause severe repercussions to them in the discharge of their social obligations and may adversely impact their career.
- d. The FIR in question pertains to the year 2024 and therefore, the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among the parties.
- e. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court.
- f. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Judicial Magistrate 1st

Class, Pathankot 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. 124, dated 15.09.2024, registered under Sections 115(2),126(2),351(1),324(4), 190 of B.N.S of 2023 at Police Station Division No.2, District Pathankot (Annexure P-1), along with all subsequent proceedings arising therefrom, **are hereby quashed** in view of the compromise dated 19.09.2024 (Annexure P-2). However, the same would be subject to payment of total costs of **Rs.35,000/-** to be deposited by the petitioners with the “**Red Cross Old Age Home, A/c No.50100286016319, IFS Code HDFC0004030, HDFC Bank, Sector 15, Panchkula** within a period of two months of receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 06, 2026
Vishal Sharma

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