



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-28054-2025 (O&M)

Date of decision: 11.05.2026

Akash and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Saksham Malhotra, Advocate for the petitioner(s).

Ms. Aiman J. Chishti, AAG Punjab.

Ms. Jannat Duhan, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR bearing No.26 dated 09.03.2024 registered under Sections 341, 323, 294, 506, 34 (Section 326 added later on) of the Indian Penal Code, 1860, at Police Station Nangal, District Rupnagar, along with all subsequent proceedings arising therefrom on the basis of settlement/compromise dated 20.09.2024/02.04.2025 (Annexure P-2/3).

2. The present FIR was registered on the statement of Dharamveer son of Raj Kumar, the same is extracted as under:-

"I was going to Main Market Nangal on my Activa No.PB-74-C-8056. When I reached near the main gate of Government High School, Nangal, then at around 9:30 PM, two motorcycles came from opposite side. Sumit @ Pankaj and his brother Akash were sitting on one motorcycle and Vivek son of Vinod Kumar,

resident of Purana Gurdwara and Yash son of Monu, resident of 169, DS-EE Nangal were sitting on another motorcycle. Akash was driving motorcycle, who hit his motorcycle into my Activa, due to which I alongwith my Activa fell down. Yash was driving another motorcycle, who hit me his motorcycle while I was lying down and all four of them started beating me. Sumit @ Pankaj son of Jagtar Singh, resident of 573, Indra Nagar, Nangal took out Dattar from his dub and gave its blow on me and to protect myself, I raised my right hand, due to which the thumb of my right hand was chopped and blood was oozing. Vivek son of Vinod Kumar took out a Gandasi from his dub and attacked me with Gandasi, which hit on the ankle of my left leg. Sumit @ Pankaj and Akash sons of Jagtar Singh @ Kala, residents of H.No.573, Indra Nagar, Nangal and Vivek son of Vinod Kumar, resident of Purana Gurdwara, Nangal and Yash son of Monu, resident of H.No.169, [DS-EE](#) Nangal kept beating me while I was lying down. I raised alarm 'Marta Marta in loud voice. Many passersby gathered at the spot. My Chacha, Sukhchain son of Doji Ram also came at the spot. At this, all four of them fled away from the spot on their motorcycles alongwith their respective weapons. Due to the thumb being cut, it was hanging and there was a lot of bleeding from my hand and ankle, so my Chacha and passerby took him to Civil Hospital, Nangal for treatment, where the doctor referred me to PGI CHD due to severe injury, where I remained under treatment.”

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.
4. Subject to deposit of cost of Rs 10,000, the parties were directed to appear before the learned trial Court/Illaqa Magistrate vide order dated 22.01.2026 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.
5. Pursuant to the said order, report has been received from the Sub-Divisional Judicial Magistrate, Rupnagar vide Memo No. 97 dated 06.03.2026. 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>That FIR bearing No.26 dated 09.03.2024 for offences U/S 341, 323, 294, 506, 326, 34 of IPC, PS Nangal, Distt. Rupnagar got registered on the statement of complainant Dharamveer. Therefore, four of the accused namely Akash, Yash, Sujal and Sumit are arrayed as accused in present case.</i>
<i>Question II</i>	<i>Number of complainant/victim(s);</i>
<i>Answer</i>	<i>That as per statement of ASI Balram, there is only the complainant/victim namely Dharamveer in present case.</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>That all the accused and complainant/victim are party to the compromise and have signed the same.</i>

Question IV	<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; OR His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person;</i>
Answer	<i>That statement of all the affected persons have been recorded.</i>
Question V	<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>
Answer	<i>That no person has been declared proclaimed offender/person, nor such proceedings have been initiated against any person in this case.</i>
Question VI	<i>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence;</i>
Answer	<i>That on examination of statements of complainant party as well as accused party, the compromise effected between them appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.</i>
Question VII	<i>Any other aspect relevant to the present case.</i>
Answer	<i>That no other aspect relevant to the present case.</i>

6. 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.

7. Learned counsel appearing on behalf of respondent No. 2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed and affirmed during statement before the trial Court.

8. The broad guidelines 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 **Narinder Singh vs. State of Punjab, 2014 (2) RCR(Criminal) 482**, wherein it was held as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity

or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether*

incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at

this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

9. 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) *It is established from the report of Sub Divisional Judicial Magistrate, Rupnagar that a compromise has been effected voluntarily between the parties restoring peace and harmony between them.*
- ii) *Petitioners are young boys aged between 18-24 years and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligations as well as in their work place.*
- iii) *The FIR in question pertains to the year 2024 and the proceedings are at an early stage.*
- iv) *The offence in question cannot be said to be heinous or as an offence that would shock the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;*
- v) *There is nothing on record to suggest that the petitioners are habitual offenders or that their conduct poses any continuing threat to public order or societal interest.*
- vi) *In view of the compromise, the complainant is unlikely to support the case of prosecution thereby rendering the possibility of conviction remote.*
- vii) *Continuation of the proceedings with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile expenditure of judicial time.*

10. In view of the report of the Sub-Divisional Judicial Magistrate, Rupnagar and the principles laid down by the Apex Court on the subject, the instant petition is allowed. FIR bearing No.26 dated 09.03.2024 registered under Sections 341, 323, 294, 506, 34 (Section 326 added later on) of the Indian Penal Code, 1860, at Police Station Nangal, District Rupnagar, along

with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of settlement/compromise dated 20.09.2024/02.04.2025 (Annexure P-2/3).

11. Petition is ***allowed***.

11.05.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)
JUDGE