



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

254

CRM-M-54350-2025 (O&M)

Date of decision: 23.01.2026

Harshdeep Singh @ Harsh and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- None for petitioners.

Mr. Mohit Kapoor, Sr. DAG Punjab.

None for Respondent no.2

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**VINOD S. BHARDWAJ, J. (Oral)**

1. Prayer in the present petition is for seeking quashing of FIR No.165 dated 23.06.2021 registered under Section(s) 452, 323, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959 at Police Station Gate Hakima, District Police Commissionerate Amritsar, Amritsar alongwith all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.09.2025 (Annexure P-3).

2. A written request for an adjournment has been circulated by the arguing counsel for the petitioners, who is stated to be in personal difficulty. However, considering the nature of the case and the report received, no purpose shall be served by adjourning the matter.

3. FIR in the present case was registered on the statement of respondent No.2-Vaishno Kumar @ Vaishno Madaan son of Tilak Raj, resident of House no. 626/7, Street Aawey Waali, Gate Bhagtan Wala



Amritsar. The same reads thus:

*I am a permanent resident of the above said address and I have a photography shop in Lohara Wala Bazaar at Chowk Chabutra in Amritsar. I have a daughter named Aasma aged 31 years who is married in Bhaiyaan De Shivaali since 4 years and I have a son named Abhinandan aged 29 years who is unmarried has come from New Zealand in December 2020 at his house on the above said address. On dated 22.06.2021 at 5:45 pm when I came home after bringing my wife from bus stand then my son Abhinandan told me that around 5:30 pm I was present at home that Prahlad Kumar alias Maajha S/o Parvesh Kumar resident of gali Ghumiyaara wali near Kalu Da Akhada, Amritsar, Keshav alias Kaaku S/o Harsh Kumar resident of Satnam Nagar Adda Fatahpur, Amritsar and Harsh whose fathers name and resident address is unknown came outside of our house in our street. Prahlad Kumar alias Maajha kicked the main gate of our house and came inside and he took Pistol from his waist band and brought me outside the house in street and hit the pistol from backside on my head and when I started shouting all three of them ran from the spot. My son told me this whole incident and it has also been recorded in the CCTV installed at my house. Then at night around 10:55 pm I was resting at my house with my family our main gate was knocked and loud voices of threatening and abuses came, we*



*saw it from terrace that Prahlad Kumar alias Majha was knocking the door while abusing and threatening, but we did not open our main gate and he went back after sometime. Motive behind the occurrence is that my son Abhinandan along with his friend Mann was going on motorcycle 4-5 days back when his motorcycle hit with Prahlaad alias Majha. Because of this grudge Prahlaad Kumar alias Majha, Keshav alias Kaaku and Harsh on 22.06.2021 did the above said incident at my house and ran away from the spot and we are scared till now and I have come to you to inform about this incident. Statement have been recorded by you, legal action should be taken against them. When Prahlaad entered our house Keshav alias Kaaku and Harsh were threatening my son while standing outside.”*

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 25.09.2025 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 said order, report has been received from the Judicial Magistrate 1st Class, Amritsar vide Memo No. 217 dated 19.11.2025. The relevant extract of the report is reproduced as under:-

*“1. Whether there is any other accused other than the petitioners, arrayed in his petition?”*



*As per the statements of parties as well as of the Investigating Officer and upon a perusal of the judicial record, there are three persons arrayed as accused in the present FIR, namely Harshdeep Singh @ Harsh, S/o Jatinder Singh, R/o H. No. 4147, Street Munshiyani Wali Chowk Cheeda Katra Karam Singh, Amritsar, Prahlad Kumar, S/o Parvesh Kumar, R/o H. No. 2863, Street Lahorian Katra Karam Singh, District Amritsar and Keshav Kehra @ Keshav Kumar @ Kakku, S/o Harsh Kumar, R/o H. No. 353, Jaura Pipal, Chownk Chabutra, Amritsar have appeared before this Court to record their respective statements. Moreover, as per the police record and the statements of the accused persons, none of the accused are proclaimed person(s)/offender(s) or are absconding in the case.*

2. *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*

*As per the statements of the parties as well as that of the Investigating Officer, there is only one complainant/informant in this case namely Vaishno Kumar @ Vaishno Madaan, S/o Shri Tilak Raj, R/o H. No. 2234, Street Awe Wali, Outside Gate Bhagtan Wala,*



*Tehsil and District Amritsar and he has made his statement in support of the compromise.*

3. *Whether any accused has been declared proclaimed offender?*

*As per the police record and the statements of the accused persons, none of the accused are proclaimed person(s)/offender(s) or are absconding in the case.*

- 4 *Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

*As per the statements of the parties, the compromise appears to have been executed between the affected parties, it being genuine, voluntarily and out of free will of the parties.*

*As per the statement of ASI Skattar Singh, there are six other FIRs registered against accused namely Prahlad Kumar.”*

7. Status report filed by way of affidavit dated 03/05.01.2026 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

8. 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.

9. In the statement recorded before the trial Court, respondent



No.2 affirmed the factum of compromise and his concurrence to the FIR and all the other consequential proceedings being quashed.

10. The Hon'ble Supreme Court in the case of ***Yogendra Yadav & Others v. State of Jharkhand & Another*** reported as ***(2014) 9 SCC 653*** has held that although non-compoundable offences under Section 320 Cr.P.C. cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their dispute. The Court has held that this power must be exercised on a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection, and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus :

*4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 :*



*(2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.*

11. 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.

12. 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 arises out of a personal altercation stemming from a minor road accident involving the son of the complainant and one of the accused, which appears to have been the immediate trigger for the incident and does not disclose any premeditated or continuing criminal design.*
- ii) *The incident in question is isolated in nature and confined to the parties alone, without any broader impact on public order, peace, or societal interest.*
- iii) *Petitioner No.1 is aged about 23 years, petitioner no.2 is aged about 37 years and petitioner no.3 is aged 28 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.*
- iv) *The FIR pertains to the year 2021 and the prolonged pendency of criminal proceedings has itself caused continued anxiety and hardship to the parties, without any*





*corresponding advancement of the cause of justice.*

- v) *Subsequent developments indicate that the parties have resolved their differences, and the complainant no longer harbours any grievance against the petitioners, thereby removing the very foundation of the prosecution.*
- vi) *The allegations do not disclose offences of such gravity or heinousness as would shock the collective conscience of society or the conscience of the Court so as to warrant continuation of criminal proceedings despite settlement.*
- vii) *In view of the settlement, the likelihood of the complainant supporting the prosecution case is remote, and continuation of the proceedings would have little or no chance of culminating in a conviction.*
- viii) *Allowing the criminal proceedings to continue would serve no larger public purpose and would only result in unnecessary harassment of the parties and wastage of valuable judicial time.*
- ix) *Quashing of the FIR, in the facts and circumstances of the case, would advance the ends of justice and prevent abuse of the process of law.*

14. In view of the report of the Judicial Magistrate 1st Class, Amritsar and the principles laid down by the Apex Court in ***Yogendra Yadav & Others v. State of Jharkhand & Another (supra)***, the instant petition is allowed. FIR No.165 dated 23.06.2021 registered under Section(s)



254

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452, 323, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959 at Police Station Gate Hakima, District Police Commissionerate Amritsar, Amritsar alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 20.09.2025 (Annexure P-3).

15.               Petition is allowed.

(VINOD S. BHARDWAJ)  
JUDGE

23.01.2026

Mangal Singh

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