



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280

CRM-M-54373-2025 (O&M)

Date of decision: 10.02.2026

Mahinder Singh 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).

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Vishnu Dutt, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR bearing No.113 dated 24.08.2024 under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 (Sections 317(2) and 3(5) of B.N.S. 2023 added later on), registered at Police Station Division No.8, Ludhiana, along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.04.2025 (Annexure P-2).

2. There is no representation on behalf of the petitioner(s). Considering the nature of case and order to be passed, there is no reason to await his presence. The case is thus being decided on merit.

3. Briefly summarized, the facts of the present case are that FIR in the present case was registered on the statement of respondent No.2-Umesh Kumar Sahni, regarding theft of his motorcycle registered in the name of his father. However, with the intervention of the respectables, the parties have



decided to compromise the matter. Hence, the present petition.

4. 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.

5. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Ludhiana vide Memo No. 1001 dated 03.12.2025. The relevant extract of the report is reproduced as under:-

- “ 1) *There were only two accused namely Mahinder Singh son of Sucha Singh and Davinder Singh son of Balvir Singh arrayed in the present FIR.*
- 2) *There was only one complainant namely Umesh Kumar Sahni arrayed in the present case.*
- 3) *Both the accused persons namely Mahinder Singh and Davinder Singh and complainant Umesh Kumar Sahni are the parties to compromise and signed the same.*
- 4) *There is no other affected person (complainant/accused) left out as party in the quashing petition before the Hon'ble Punjab and Haryana High Court.*
- 5) *None of the accused was declared as proclaimed offender.*
- 6) *The said compromise is genuine, voluntary, without any coercion or undue influence.*
- 7) *There is no other aspect relevant to the present case.”*

6. Short reply filed by way of affidavit dated 04.12.2025 on behalf of respondent-State is already available on file and the same is taken on record.



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. 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.

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. 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 case was registered on account of theft of motorcycle of the complainant and now the matter has been settled between the parties.*
- ii) *Petitioners are of 44 and 47 years of age respectively and continued criminal incarceration will cause severe repercussions to the petitioner in discharge of his social obligations as well as in his work place.*
- 3) *The FIR in question pertains to the year 2024 and the proceedings are at an early stage.*
- 4) *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;*



5) 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.

11. In view of the report of the Judicial Magistrate 1st Class, Ludhiana 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 bearing No.113 dated 24.08.2024 under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 (Sections 317(2) and 3(5) of B.N.S. 2023 added later on), registered at Police Station Division No.8, Ludhiana, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 22.04.2025 (Annexure P-2).

12. Petition is **allowed**.

(VINOD S. BHARDWAJ)
JUDGE

10.02.2026
Mangal Singh

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