



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

286

CRM-M-59029-2025 (O&M)

Date of decision: 12.01.2026

Kamal Kumar Janagal @ Kalu and another

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. C.S. Panwar, Advocate and
Mr. Rubal Panwar, Advocate for the petitioner.

Mr. Rituraj Singh, DAG Punjab.

Mr. Manik Moudgil, Advocate for
Mr. Kuljinder Billing, Advocate for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR bearing No.157 dated 01.06.2020 registered under Sections 323, 506, 427, 34 (Section 379-B added later on vide DDR dated 11.06.2020) of the Indian Penal Code, 1860, at Police Station Salem Tabri, Ludhiana, along with all subsequent proceedings arising therefrom on the basis of panchayati compromise deed dated 04.10.2025 and affidavit dated 04.10.2025 (Annexures P-2 and P-3).

2. Briefly stated, the facts of the present case are that the FIR came to be registered on the statement of the complainant/respondent No.2, Amit Sood, who stated that he is running a confectionery shop, along with the business of mobile recharge and money transfer. His shop is situated at



Sant Tehal Dass Peeru Banda. He stated that on 29.03.2020, in compliance with the guidelines issued by the Punjab Government during the lockdown period, he was selling essential products to customers after partially lowering the shutter of his shop. At that time, Kamal Kumar Janagal, son of Om Parkash and his nephew Munish Kumar @ Ladoo, son of Bittu, came to the shop, abused the complainant on the pretext that he should not be selling goods, forcibly turned away the customers and thereafter left the spot after extending threats to kill him. It was further stated that on 31.03.2020, at about 9:40 p.m., when the complainant was closing his shop, the aforesaid Kamal Kumar Janagal @ Kalu and his nephew Munish Kumar @ Ladoo again arrived and started abusing him. When the complainant objected to such conduct, an argument ensued, during the course of which he was assaulted. On raising an alarm, people from the locality gathered at the spot, upon which the assailants fled while again threatening him with dire consequences. The complainant thereafter obtained medical treatment from Civil Hospital, Ludhiana. The complainant stated that owing to the prevailing situation of the COVID-19 pandemic, he could not immediately approach the police authorities. He further stated that his complaint was being enquired into by senior officials and that efforts towards a compromise were also undertaken, for which the matter was fixed for 04.06.2020, however, despite the same, the accused persons did not mend their ways. On 30.05.2020, at about 5:40 p.m., while the complainant was proceeding towards his residence on his Activa scooter, he noticed Kamal Kumar @ Kalu and Munish Kumar @ Ladoo already standing on the way and that



Munish Kumar thereafter hurled a brick at his scooter, as a result of which the headlight, meter and chassis of the vehicle were damaged. Apprehending danger to his life, the complainant fled from the spot. The complainant further stated that the accused persons bore a grudge against him on account of an incident dating back to the year 2012, when Kamal Kumar had purchased a mobile phone for his brother Neeta. The said phone was subsequently stolen, whereafter Neeta was apprehended by the CIA Staff. During the enquiry, the complainant was summoned and his statement was recorded, wherein he stated the facts truthfully. He stated that due to the said statement, the accused persons developed animosity against him and had been harbouring a grievance ever since, while seeking an opportunity to assault him.

3. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 17.10.2025 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.

4. Pursuant to the said order, report has been received from the the Judicial Magistrate 1st Class, Ludhiana vide Memo No. 404 dated 24.12.2025. The relevant extract of the report is reproduced as under:-

- “(1) As per statement of IO, total two accused persons namely Kamal Kumar Janagal & Kalu and Munish Kumar Laddu are involved as accused in the present FIR.
- (ii) As per the statement of IO, there are two victims/complainant namely Amit Sood and Rakesh Kumar in the present FIR.
- (iii) As per statement of IO. All the victims and accused are party to compromise and signed the same.



- (iv) No, affected person is left out in quashing petition before Hon'ble High Court
- (v) As per the statement of IO, neither any accused has been declared as proclaimed offender nor any such proceedings against them have been initiated or pending.
- (vi) As per the statements of parties, compromise seems to be genuine one, voluntary and without any coercion or undue influence
- (vii) No other aspect is relevant to the present case.”

5. Status report filed by way of affidavit dated 22.12.2025 on behalf of respondent-State is already on file and the same is taken on record.

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 respondents No. 2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8. 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.”*

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. 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.

11. 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 a version and cross-version case, arising out of a neighbourhood dispute during the COVID-19 lockdown period, wherein both sides have levelled allegations against each other, thereby reflecting a mutual altercation rather than a one-sided criminal act;*
- ii) *The petitioners are aged about 49 years and 29 years respectively, are settled members of society and continued criminal prosecution and incarceration are likely to cause grave and disproportionate prejudice to them in the discharge of their social, familial, and professional obligations;*
- 3) *The FIR in question pertains to the year 2020 and the passage of considerable time since the occurrence has rendered the dispute stale and continuation of the proceedings would serve no larger public purpose;*
- 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) *The dispute appears to be essentially personal and localised, emanating from strained relations between neighbours and does not involve any element of public disorder or societal impact warranting continuation of criminal prosecution;*
- 6) *In view of the version and cross version, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is bleak;*
- 7) *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.*

12. 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 Bhimsinbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the instant petition is allowed. FIR bearing No.157 dated 01.06.2020 registered under Sections 323, 506, 427, 34 (Section 379-B added later on vide DDR dated 11.06.2020) of the Indian Penal Code, 1860, at Police Station Salem Tabri, Ludhiana, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of therefrom on the basis of panchayati compromise deed dated 04.10.2025 and affidavit dated 04.10.2025 (Annexures P-2 and



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P-3).

13. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

12.01.2026
Mangal Singh

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