



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRM-M-59844-2025 (O&M)

Date of decision: 08.04.2026

Abhishek Mahajan and another

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Gaurav Partap Singh, Advocate for the petitioner(s).

Dr. (Ms.) Savi Nagpal, AAG Punjab.

Mr. Virender Partap Singh, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for seeking quashing of FIR No.0029 dated 27.02.2023 under Sections 353, 34, 506, 332 and 186 of the Indian Penal Code, 1860 registered at Police Station Sadar, Pathankot, District Pathankot along with all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 25.09.2025 (Annexure P-2).

2. The FIR in the present case was registered on the statement of ASI Balbir Singh, aged about 57 years, son of Shri Sewa Ram, resident of Adam Badama, Police Station Narot Jaimal Singh, who was posted as an Investigating Officer at Police Station Sadar, Pathankot. As per the prosecution version, on the intervening night of 26/27.02.2023, the complainant, along with PHG Jodh Singh and PHG Ashok Kumar, was on naka duty and had set up barricading. At about 2:30 A.M. on 27.02.2023, a

silver-coloured Audi car bearing registration No. HP-58A-4343 was noticed approaching from the Pathankot side towards Sarna. It is alleged that the occupants of the said vehicle were shouting loudly and behaving in a disorderly and unruly manner. Upon noticing the suspicious conduct, the complainant signalled the vehicle to stop by using a torch. It is alleged that the driver attempted to manoeuvre the vehicle forward and backward two to three times before eventually stopping. Thereafter, the driver as well as the person seated next to him alighted from the vehicle and were found to be under the influence of liquor. It is further alleged that when the complainant objected to their conduct, both individuals began to abuse him and tore his uniform and assaulted him by giving fist blows. The complainant attempted to apprehend them; however, the said persons managed to escape from the spot by fleeing in the aforesaid vehicle. Subsequently, upon inquiry, the identity of the occupants of the vehicle was ascertained as Abhishek Mahajan, son of Tarsem Mahajan and Rajan, son of Ashok Kumar, both residents of Selly Road, Pathankot. It is further alleged that the said persons obstructed the complainant in discharge of his official duties, engaged in scuffle with him, extended threats to his life and caused damage to his uniform. The complainant also stated that he sustained injuries during the incident and, due to pain, proceeded to Civil Hospital, Narot Jaimal Singh, where he was medically examined and provided treatment. However, on account of electricity failure, a computerized Medico-Legal Report (MLR) could not be immediately obtained. On the basis of the aforesaid statement, the present FIR came to be registered.

3. 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 28.10.2025 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.

5. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Pathankot vide Memo No. 676 dated 23.12.2025. The relevant extract of the report is reproduced as under:-

“ xxxxx

2. *Accordingly, in compliance of the aforesaid order of the Hon'ble Punjab & Haryana High Court, the complainant ASI Balbir Singh son of Sewa Ram, resident of Adam Barwan, District Pathankot and accused Abhishek Mahajan son of Rakesh Mahajan resident of 17, Saili Road Golden Avenue Opposite Truck Union Pathankot and accused Rajan Sharma son of Ashok Kumar, resident of B/154, Gartholi Mohalla, Pathankot appeared in the court on 12.12.2025 for recording their statements.*

3. *Complainant ASI Balbir Singh suffered statement that the FIR No.29 dated 27.02.2023 under Sections 353, 34, 506, 332, 186 IPC was registered at P.S. Sadar, District Pathankot by him against accused persons namely Abhishek Mahajan and Rajan Sharma. It is further stated that now a compromise has been reached between him and the accused persons with the intervention of respectable for the betterment of the parties and to end the future enmity/conflict between the parties and this compromise has been effected between the parties with our free will and free consent. The compromise is genuine, voluntary and with free will and without any force, threat and coercion. He further stated that he has no objection,*

if the quashing petition against the above-named accused are allowed on the basis of settlement reached between the parties.

4 *Similarly, accused persons namely Abhishek Mahajan and Rajan Sharma Kaur also suffered their respective separate statements that FIR No.29 dated 27.02.2023 under Sections 353, 34, 506, 332, 186 IPC was registered at P.S. Sadar, Pathankot against them by the complainant namely ASI Balbir Singh. Now a compromise has been effected between them and the complainant with the intervention of respectable for the betterment of the parties and to end the future enmity/conflict between the parties and this compromise has been effected between the parties with their free will and free consent. The compromise is genuine and voluntary and with our free will and without any force, threat and coercion. They further stated that they have no objection, if the quashing petition against then is allowed on the basis of settlement reached between the parties.*

5. *Statement of ASI Paramjeet No. 1343/Pathankot, posted at PS Sadar Pathankot in the present case has also been recorded in which he stated that there are two accused persons in the present case namely Abhishek Mahajan son of Rakesh Mahajan and Rajan Sharma son of Santokh Kumar and they are party to the present petition. There is one complainant namely ASI Balbir Singh in the present FIR and is party to the present petition. Both the accused and the complainant are party to the present petition. The accused persons Abhishek Mahajan and Rajan Sharma have not been declared proclaimed offender at any stage of trial or in any other case. FIR No.36 dated 12.03.2025 under Section 304, 221, 132, 111 BNS PS Division No. 1, Pathankot was lodged against the accused Rajan Sharma and FIR No.13 dated 21.04.2018 under Section 307, 326, 324, 323, 148, 149 IPC PS Division No.1, Pathankot was lodged against the accused Abhishek Mahajan.*

6. *Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence.*

7. *It is also submitted that only two accused namely Abhishek Mahajan and Rajan Sharma were named in the FIR. None of the accused are proclaimed offender. It is pertinent to mention here that FIR No.36 dated 12.03.2025 under Section 304, 221, 132, 111 BNS PS Division No.1, Pathankot was lodged against the accused Rajan Sharma and FIR No.13 dated 21.04.2018 under Section 307, 326, 324, 323, 148, 149 IPC PS Division No.1, Pathankot was lodged against the accused Abhishek Mahajan. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Hence, proper compliance has been made of the order of Hon'ble High Court Punjab & Haryana as stated above. The requisite report is presented in this regard for kind perusal of your goodself and for further proceedings. ”*

6. Status report filed by way of affidavit dated 12.01.2026 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

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. In the case of '**Narinder Singh and others Vs. State of Punjab and another**' reported as **(2014) 6 SCC 466**, Hon'ble Supreme Court has laid down the guidelines for exercising powers under Section 482 Cr.P.C. for quashing of proceedings. The relevant paragraphs are extracted as under:-

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

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.”

10. The Hon’ble Division Bench of this Court while quashing an FIR on the basis of compromise for offences under Sections 148, 149, 332, 353, 186 and 506 of the Indian Penal Code, 1860 against Police officer in the case of ‘**Vinod @ Boda Vs. State of Haryana**’ reported as **2017 (1) RCR (Criminal) 571** observed as under:-

“15. The magnitude of inherent jurisdiction exercisable by the High Court with a view to prevent the abuse of law or to secure ends of justice, is wide enough to include its power to quash the proceedings in relation to the non-compoundable offences including the ones involved in the present case notwithstanding the bar under Section 320 Cr.P.C. such a power, in our considered view, is exercisable by the High Court in all those circumstances where conclusion of trial would ultimately result into futility.”

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. The dispute between the parties has been amicably resolved and a compromise has been effected, thereby restoring harmony between them.
- ii. The petitioners are young individuals, aged approximately 36 and 29 years and continuation of criminal proceedings is likely to adversely impact their livelihood, social standing and ability to discharge familial and professional obligations.
- iii. The FIR in question pertains to the year 2023 and the proceedings are still at a nascent stage, with no substantial progress having been made in trial.
- iv. The offences alleged, though not to be condoned, do not fall within the category of heinous or grave offences that shock the conscience of society or have far-reaching societal ramifications.
- v. The dispute appears to be personal in nature, arising out of a sudden altercation and does not involve any element of public interest or larger societal impact.
- vi. In view of the compromise, the complainant is unlikely to support the prosecution case, thereby rendering the continuation of proceedings an exercise in futility.

- vii. The continuation of criminal proceedings, in such circumstances, would result in unnecessary harassment to the parties and lead to avoidable wastage of precious judicial time.
- viii. The ends of justice would be better served by bringing quietus to the dispute rather than prolonging litigation that no longer subserves any meaningful purpose.

12. In view of the report of the Judicial Magistrate 1st Class, Pathankot and the principles laid down by the Apex Court in '*Narinder Singh and others Vs. State of Punjab and another*' reported as **(2014) 6 SCC 466** and the decision of Division Bench of this Court in *Vinod @ Boda Vs. State of Haryana*' reported as **2017 (1) RCR (Criminal) 571**, the instant petition is allowed. FIR No.0029 dated 27.02.2023 under Sections 353, 34, 506, 332 and 186 of the Indian Penal Code, 1860 registered at Police Station Sadar, Pathankot, District Pathankot along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise and affidavit dated 25.09.2025 (Annexure P-2).

13. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

08.04.2026

Mangal Singh

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