



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

285

CRM-M-62499-2025 (O&M)

Date of decision: 27.01.2026

Kashmira Ram and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. Ravinder Kumar and Ms. Pearl Narang, Advocates,
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. Kapil Gupta and Prikshit Singla, Advocates,
for respondent No.2

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed by the petitioner(s) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR bearing No.139 dated 14.09.2025, under Section(s) 331(6), 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Boha, District Mansa, along with all the subsequent proceedings arising therefrom on the basis of compromise dated 29.10.2025 (Annexure P-2).

2. The FIR in the present case has been registered on the complaint of Bhola Ram, son of Bansi Ram, resident of Village Makalpur Bhimra, District Mansa, relevant part of which reads as under:-

“...I am a resident of the mentioned address and work as a laborer and belong to a poor family. In front of my house is the house of Kashmir Ram S/O Ali Ram S/O Nathoo Ram. About 10 years ago, I bought the empty plot in which I am living from

Master Kashmir Ram for one lakh thirty thousand rupees. I paid all the amount in installments, and only two thousand rupees were left to be paid. Now, he always fights with me over minor issues, saying he wants to take the land back and makes false allegations against my wife Sinder Kaur, too that you are having illicit relations with someone. On 11.09.2025 at around 8:15 PM in evening, we were sitting in our courtyard when Kashmir Ram, Wajir Ram S/O Ali Ram, Jagjit Ram alias Sumit S/O Kashmir Ram, and Sunil Ram S/O Wajir Ram, all residents of Malakpur Bhimra, all 4 entered my house. Kashmir Ram had an axe in his hand, Wajir Ram had a stick. Kashmir Ram signaled Jagjit Ram alias Smit and Sunil Ram to attack Bhola Ram. They grabbed me and threw me down. Wajir Ram struck my left arm with the stick, and Kashmir Ram struck my left leg with the axe which he was holding in his right hand. My wife and mother raised an alarm, but they also slapped and punched my wife and mother. All four ran away from the spot with their weapons. The reason for the rivalry is a water motor installed in my house, which was partly owned by Kashmir Ram. The motor broke down, and in place of two thousand rupees, Kashmir Ram took away the motor and delivery pipe. This led to the quarrels.”

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

4 The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 10.11.2025 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, a report has been received from the Judicial Magistrate First Class, Budhlada, vide Memo No.300 dated 09.01.2026. The relevant extract of the report is reproduced as under: -

”1. Total number of persons found involved as accused in the dispute/FIR;

As per the statement of complainant and IO, FIR was registered against the following accused namely:

(i) Kashmira Ram son of Ali Ram (Aadhar card No.744748856050)

(ii) Wajir Ram son of Ali Ram (Aadhar card No.915172794129)

(iii) Sunil Ram son of Wajir Ram (Aadhar card No.424544328369)

(iv) Jagjeet Ram son of Kashmira Ram (Aadhar card No.533542157275)

all resident of village Malakpur Bhimra, PO Uddat Saidewala, Tehsil Budhlada, District Mansa.

2. Number of complainant/victim(s);

As per the statement of complainant, accused and IO there is only one complainant namely Bhola Ram son of Bansi Ram resident of near Bus Stand village Malakpur Bhimra, PO Uddat Saidewala, Tehsil Budhlada, District Mansa (Aadhar card No.306142796003).

3. Whether all the accused and complainant/victim are party to compromise and singed the same;

As per the statement of complainant and IO, FIR was registered against the following accused namely:

(i) Kashmira Ram son of Ali Ram (Aadhar card No.744748856050)

(ii) Wajir Ram son of Ali No.915172794129) Ram (Aadhar card No.915172794129)

iii) Sunil Ram son of Wajir Ram (Aadhar card No.424544328369)

(iv) Jagjeet Ram son of Kashmira Ram (Aadhar card No.533542157275) all resident of village Malakpur Bhimra, PO Uddat Saidewala, Tehsil Budhlada, District

Mansa.

As per the statement of complainant, accused and IO there is only one complainant namely Bhola Ram son of Bansi Ram resident of near Bus Stand village Malakpur Bhimra, PO Uddat Saidewala, Tehsil Budhlada, District Mansa (Aadhar card No.306142796003).

All the above named accused and complainant have come present before this Court and got recorded their statements that they are parties to the compromise and have signed the same.

4. In case, any affected persons (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 till to be recorded, in compliance to the direction of this Court, details of such person;

As per the statement of complainant and IO there is only one complainant namely Bhola Ram and four accused namely Kashmira Ram, Wajir Ram, Sunil Ram and Jagjeet Ram. From the statement of complainant and IO this court concludes that all the accused and complainant are parties to the quashing petition before Hon'ble High Court.

5. Whether any accused has been declared as proclaimed offender/person or any such proceeding against him/her have been initiated or pending adjudication;

As per the statement of Investigating Officer, the above said accused persons have not been declared as proclaimed offenders/persons and no such proceedings against them have been initiated or pending.

6. Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence;

From the statements of the complainant and accused persons, this court concludes that the compromise has been effected between the parties and the same is genuine, voluntary and without any coercion or undue influence.

7. Any other aspect relevant to the present case;

As per the statement of IO the present FIR is still under investigation and challan has not been presented yet before this Court and no other criminal case is pending against the above named accused persons.

It is respectfully submitted that the Hon'ble Punjab and Haryana High Court directed the petitioners to deposit Rs.10,000/- each with the Red Cross Old Age Home, account No.50100286016319, IFSC code HDFC0004030, HDFC Bank Sector 15 Panchkula. The petitioners have deposited the said amount of Rs.10,000/- each and placed on record copies of receipt as Mark-PA, Mark-PB, Mark-PC and Mark-PD.

Hence, report submitted accordingly.”

6. Status Report by way of an affidavit of Sikander Singh, PPS, Deputy Superintendent of Police, Sub-Division, Budhlada, District Mansa on behalf of the respondent no.1 - State is already available on the 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 for respondent No.2 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 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 BNSS:-

- i. The dispute giving rise to the FIR is purely personal and private in nature, emanating from a long-standing property and neighbourhood dispute and does not involve any offence having a serious impact on society at large.
- ii. The parties have amicably resolved their dispute, and the

compromise has been entered into voluntarily, without any coercion, pressure, or undue influence, thereby restoring peace and harmony between them.

- iii. As per the status report filed by the State, the injuries sustained by the complainant have been opined to be simple in nature, which significantly dilutes the gravity of the allegations and demonstrates that the offence cannot be termed as heinous or one shocking to the conscience of society.
- iv. Petitioner Nos. 1 and 2 are in their early forties, are settled in life, and the continuation of criminal proceedings would serve no reformatory or deterrent purpose, but would only prolong unnecessary litigation.
- v. Petitioner Nos. 3 and 4 are young individuals aged about 18 and 19 years, respectively, standing at the threshold of their adult lives. Subjecting them to prolonged criminal prosecution would have a disproportionate and irreversible adverse impact on their future, education, and prospects.
- vi. 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 peace.
- vii. In view of the compromise, the likelihood of conviction is remote, as the complainant is no longer inclined to support the prosecution case, rendering the continuation of proceedings a futile exercise.
- viii. Permitting the prosecution to continue, despite the settlement, would result in abuse of the process of law and unnecessary wastage of

valuable judicial time.

11 In view of the report of the Judicial Magistrate 1st Class, Budhlada 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.139 dated 14.09.2025, under Section(s) 331(6), 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Boha, District Mansa, along with all the subsequent proceedings arising therefrom is hereby quashed in view of the compromise dated 29.10.2025 (Annexure P-2).

12. Petition is *allowed* in above terms.

27.01.2026
Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

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