



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

292

CRM-M-68961-2025 (O&M)

Date of decision: 12.01.2026

Amit Sood and another

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. Manik Moudgil, Advocate for
Mr. Kuljinder Billing, Advocate for the petitioner(s).

Mr. Rituraj Singh, DAG Punjab.

Mr. C.L. Pawar, Advocate and
Mr. Rubal Pawar, Advocate for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of cross case bearing GD No. 26 dated 16.12.2020 in FIR No.157 dated 01.06.2020 under Sections 323, 324, 506, 427, 34 of the Indian Penal Code, 1860 (Section 379-B of the IPC was added later on) registered at Police Station Salem Tabri, District Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-5).

2. The instant GD was recorded on the statement of Kamal Jangal, aged about 45 years, son of Om Kash, resident of House No. 54, Street No. 2, Sant Tehal Das Nagar, Police Station Salem Tabri, Ludhiana who stated that on 31.03.2020, at about 10:15 p.m., while he had stepped out of his



house to feed stray dogs, he heard loud noises being raised in the street. Upon reaching the spot, he noticed Amit Sood, son of Rakesh Sood and Rakesh Sood, who were running a general store near his house. Upon seeing him, both of them started abusing him. When he questioned them regarding the same, they retorted by asking him not to talk nonsense and further used derogatory caste-based abuses, including the words “Choochar” and “Chamar”. He further stated that when he objected to the said conduct, both father and son advanced towards him, whereupon Rakesh Sood caught hold of his arms and Amit Sood assaulted him with a sharp-edged weapon which resulted in injuries and bleeding and he fell to the ground. It was stated that his wife thereafter informed other family members about the quarrel and his nephew, Munish Kumar @ Laddhu, son of Subhash Kumar, resident of Sant Tehal Das Nagar, Salem Tabri, reached the spot. When the nephew attempted to lift him and take him to the hospital, Amit Sood and Rakesh Sood again abused the nephew using caste-based slurs and threatened to humiliate him by putting black ink on his face and parading him in the locality. Owing to the critical condition of the deponent, his nephew did not respond to the said provocation. It was further stated that upon seeing other family members arriving at the spot, the aforesaid Amit Sood and Rakesh Sood fled from the place after extending threats to kill him. Thereafter, his nephew Munish Kumar @ Laddhu got him admitted to Civil Hospital, Ludhiana, for treatment and he subsequently came to know that Amit Sood and Rakesh Sood, owing to their alleged influence, had managed to get an FIR registered against him and his family members, which, according to



him, was false and baseless. He, accordingly, prayed that appropriate legal action be taken against the said persons in accordance with law.

3. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 08.12.2025 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 Additional Sessions Judge, Ludhiana vide Memo No215 dated 09.01.2026. The relevant extract of the report is reproduced as under:-

- “I. As per statement of above said ASI Harmesh Lal, in the present case FIR No. 157 dated 1.6.2020 U/s 323,324,506,427,34 of IPC later on 379-B of IPC, PS Salem Tabri Ludhiana, there are two accused namely Amit Sood and Rakesh Kumar.*
- II. There is only one complainant namely Kamal Kumar Jangal.*
- III. Complainant Kamal Kumar Jangal and the accused Amit Sood are party to the compromise and they have signed the same. However, accused Rakesh Kumar has also got recorded his statement qua the compromise Ex.CA.*
- IV. No affected person(accused or complainant) is left out or not arrayed as party in the quashing petition.*
- V. None of the accused has been declared as a proclaimed offender/person nor any such proceedings have been*



initiated or pending adjudication.

VI. *The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”*

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:-

- 1) *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; Petitioners are of 37 and 69 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.*
- 2) *The petitioners are aged about 37 years and 69 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 General Diary entry 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 Additional Sessions Judge, 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. GD No. 26 dated 16.12.2020 in FIR No.157 dated 01.06.2020 under Sections 323, 324, 506, 427, 34 of the Indian Penal Code, 1860 (Section 379-B of the IPC was added later on) registered at Police Station Salem Tabri, District Ludhiana along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of



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compromise (Annexure P-5).

13. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

12.01.2026
Mangal Singh

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