



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(329)

1. CRM-M No.20299 of 2024
Date of decision: November 26th, 2024

Anil Bhalla and anotherPetitioners

Versus

State of Haryana and anotherRespondents

(331)

2. CRM-M No.27252 of 2024

Rohit BainsPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sajal Bansal, Advocate
for the petitioners.

Mr. Yuvraj Shandilya, Assistant Advocate General, Haryana.

Ms. Niharika Mittal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

This order shall dispose of the above-mentioned petitions as prayer in these petitions is for quashing of FIR No.352 dated 05.08.2022 under Sections 120-B, 384, 403, 406, 420, 511 of the IPC registered at Police Station Sector 5, Panchkula, on the basis of compromise affected with the private respondent-complainant vide compromise deed dated 20.04.2024 and 20.05.2024 (Annexure P-2).

2. In compliance of order dated 06.08.2024, reply by way of affidavit of Assistant Commissioner of Police, Panchkula, has been filed, which is taken on record.

3. Learned counsel for the petitioners submits that subsequent to the registration of the FIR in question (Annexure P-1), the matter has been amicably resolved between the parties through the intervention of respectables of the community, with an intent to restore peace and harmony. To substantiate this claim, the learned counsel has drawn the attention of this Court to compromise deeds (Annexure P-2), wherein the terms of the settlement and the mutual understanding between the parties are explicitly detailed.

4. Learned counsel for the complainant/respondent No.2 has not disputed the assertions made by the counsel for the petitioners regarding the compromise. Furthermore, she has also not raised any objections to the prayer for quashing the FIR in question.

5. However, learned State counsel, on the other hand, has vehemently opposed the prayer and submissions made by the counsel for the petitioners by submitting that the petitioners are men of criminal antecedents; the petitioners are running a big racket comprising of their family also; there are as many as 23 other cases of identical nature registered against the petitioners. It has been further asserted by the learned State counsel that petitioners Anil Bhalla and Akash Bhalla coerced the complainant into handing over five blank cheques, which were subsequently used to fraudulently enter an amount of ₹50 lakh into one of the cheques. Additionally, the petitioners allegedly charged

exorbitantly high interest rates and threatened the complainant and his family with dire consequences, including death.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In view of the allegations levelled in the FIR in question against the petitioners, coupled with the involvement of the petitioners in multiple criminal cases of identical nature, this Court does not deem it appropriate to exercise its inherent powers under Section 482 Cr.P.C./528 BNSS to quash the FIR in question.

8. As per the reply filed by the State, it categorically stands highlighted that there are at least 16 other cases of similar nature pending against the petitioners, strongly suggesting that the petitioners, *prima facie*, are habitual offenders.

9. Hon'ble the Supreme Court has consistently emphasized that the inherent powers under Section 482 Cr.P.C./528 BNSS must be exercised sparingly and with great caution, primarily to prevent the abuse of the process of law or to ensure the ends of justice. In ***Criminal Appeal No.349 of 2019 titled as The State of Madhya Pradesh Versus Laxmi Narayan and others***, Hon'ble the Supreme Court has categorically held that while quashing criminal proceedings in respect of non-compoundable offences based on a compromise between the parties, this Court must carefully consider the antecedents of the accused, the nature and gravity of the offence, and whether the compromise was influenced by undue pressure or other considerations.

10. In the present case, while it has been contended that a compromise has been reached between the parties, the nature of the

allegations, the criminal antecedents of the petitioners, and the gravity of the offences alleged cannot be ignored. The allegations levelled in the FIR in question suggest conduct that not only impacts the complainant but also has broader implications for societal order and public confidence in the justice system.

11. Hon’ble the Supreme Court in *P. Dharamraj versus Shanmugam and others 2022 LiveLaw SC 749* has further underscored that offences affecting the public at large or having significant societal impact must be scrutinized with a higher degree of caution. In such cases, Courts should exercise restraint in invoking Section 482 Cr.P.C./528 BNSS, to quash criminal proceedings merely on the basis of a settlement between the parties.

12. In light of the foregoing, this Court find no merit in the prayer to quash the FIR in question.

13. The petitions are, therefore, dismissed.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No