



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-39239-2024

Date of decision: 14.08.2024

Vikas and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashish Rana, Advocate for the petitioners.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 528 of the BNSS for quashing of FIR No.118 dated 01.10.2020 under Sections 386, 387, 506 of the IPC (Annexure P-1) registered at Police Station Sadar Panipat, Panipat, on the basis of compromise dated 12.09.2022 (Annexure P-2), arrived at between the parties.

2. Learned counsel appearing for the petitioners submits that following the registration of the FIR in question (Annexure P-1), the parties involved have amicably resolved their dispute through the intervention of respectables and well wishers, given this compromise, learned counsel for the petitioners argues that the continuation of the criminal proceedings would serve no purpose and would be a futile exercise. In support of this contention, learned counsel has drawn the attention of the Court to the compromise deed which has been annexed as Annexure P-2.



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3. On a pointed query put to the learned counsel for the petitioners as to how the FIR, registered under Sections 386, 387, 506 of the IPC, could be quashed on the basis of a compromise (Annexure P-2), particularly given the heinous nature of the crime and its broader impact on society, he was unable to provide a satisfactory response.

4. I have heard learned counsel for the petitioners and perused the relevant material on record.

5. There is no manner of doubt that while Section 482 of the Cr.P.C./528 of the BNSS grants this Court wide discretionary powers, these powers are not without limits. There exists a concurrent judicial obligation for this Court to exercise such powers with a high degree of caution and prudence, especially in matters concerning quashing of an FIR. When quashing is sought on the grounds of a compromise between the parties, the Court must exercise heightened scrutiny, not only concerning the terms and conditions of the compromise but also regarding the nature of the offence itself.

6. In the present case, there are serious allegations against the petitioners specifically that they attempted to extort a sum of Rs.2 crores from the complainant by threatening him and his family with dire consequences. Such allegations, if substantiated, carry severe implications not only for the complainant but also for society at large, as they pertain to the safety and security of individuals and the integrity of the social fabric. Moreover, the petitioners, as per their own affidavit annexed as Annexure P-2 which stands reproduced hereinunder, have not contested their involvement in the crime; rather they had made a



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candid admission of their participation.

“Relevant extract of compromise deed (Annexure P-2)

1. That the FIR No. 118 dated 01.10.2020 under section 386, 387, 506 IPC police station Sadar Panipat was registered on the basis of statement of Shri Chand of first party.
2. That during investigation the persons of second party were arrested in the above mentioned FIR.
3. That the police has presented the challan in the FIR in the above mentioned FIR and the case is now pending in the court of Sh. Harleen Pal Singh Ld. JMIC Panipat and the case is now fixed for prosecution evidence.
4. That during the pendency of above case a panchayat of respectable persons was convened. In the panchayat the persons of Second party have admitted their guilt and have tendered apology with out any condition and have said that they are ashamed/embarrassed of their act.
5. That the person of first party have accepted the apology of the Second party as per the Panchayat. Now party no. 1 does not want to continue any legal proceedings against Party No. 2.
6. That it has been decided by both the parties that the FIR will be got cancelled/quashed after filing an appropriate petition in the Hon'ble Punjab and Haryana High Court.
7. That the compromise has been executed between the parties out of their own volition, after understanding and accepting the terms and conditions of the same without any pressure or coercion and without any greed. The compromise in the interest of both the parties so that they could live at peace in future.”

7. Given the gravity of the allegations levelled, this Court does not find it appropriate to exercise its inherent powers under Section 482 of the Cr.P.C./528 of the BNSS to quash the FIR merely on the basis of a compromise between the parties. The offences under Sections 386, 387, 506 of the IPC are of a serious nature, affecting public peace and security. Quashing the FIR in such cases, based on a settlement, could set a dangerous precedent. Hon'ble the Supreme Court has consistently cautioned against the indiscriminate quashing of FIRs,

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even when the parties involved have reached a settlement, especially in cases where the offences are serious and have a significant impact on society. Courts should be wary of favouring the accused in such cases solely on the basis of settlements, and moreso when the petitioners have also not denied the contents of the compromise annexed as Annexure P-2 wherein they had made a confession about their involvement in the crime in question.

8. Such a compromise is legally untenable and runs contrary to the intent of legislature, in particular to the provisions of Section 320 of the Cr.P.C. The law mandates that in cases involving serious offences, the primary focus must remain on upholding justice and ensuring accountability, rather than permitting settlements to undermine the rule of law.

9. As a sequel to the above, this Court is not inclined to accept the prayer of the petitioners. Accordingly, the instant petition is hereby dismissed.

10. 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.

14.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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