



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-799-2025

Date of decision: 16.07.2025

OM PARKASH

....PETITIONER

V/s

STATE OF HARYANA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parmod Parmar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Mittardeep Singh, Advocate for
Mr. Ashish Yadav, Advocate for respondent No.2 & 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.211 dated 24.08.2023 under Sections 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, registered at Police Station Sector 17/18, Gurugram, District Gurugram and all consequential proceedings arising therefrom on the basis of compromise/ affidavit dated 01.01.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 20.02.2025, the following order was passed:

“Reply by way of an affidavit of Naveen Sharma, H.P.S., Assistant Commissioner of Police, Udyog, Gurugram filed on behalf of the State is taken on record along with Annexure R-1 and Annexure R-2. Counsel for the petitioner while placing reliance upon the decision of the Coordinate Bench of this Court in CRM-M-8178-2020 decided on 24.01.2023 titled as “Gurpreet Singh Vs. State of Punjab and Another” submits that in the similar circumstances, the FIR was quashed on the basis of compromise in the aforesaid case.

In view of the above, the parties are hereby directed to appear before the learned trial court/Illaq Magistrate on 17.03.2025 or



any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 16.05.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

3. Pursuant to the aforesaid order, report dated 17.04.2025 from Judicial Magistrate, Ist Class, Gurugram, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“It is humbly submitted that the undersigned was directed by the Hon'ble Punjab and Haryana High Court vide order dated 20.02.2025 passed by Hon'ble High Court in CRM-M-799-2025 to record the statements of the parties regarding genuineness/correctness of the compromise effected between them in the present case in FIR No. 211 dated 24.08.2023 U/S : 75 of Juvenile Justice (Care and protection of Children) Act, 2015 Police Station: Sector 17/18, Gurugram.. The complainant Manoj Kumar, accused Om Parkash appeared on 17.03.2025 and Investigating Officer Sub Inspector Satyawar No. 287 Gurugram appeared in Court on 16.04.2025. All of them have been examined regarding the genuineness of the compromise and in this regard their separate statements were also recorded. On the basis of statements made by parties, this Court is of the considered view that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Point wise, information pertaining to the present case is : 1). As per the record and statement of Investigating Officer, FIR was earlier registered against accused namely, Om Parkash 2). As per record and statement of Investigating Officer, no accused has been declared as proclaimed offender; 3). As per trial/proceedings, the case is at the stage of appearance of accused, 4). As per the statement of Investigating Officer, he has no objection over the quashing of the present FIR.”

4. Learned counsel for respondent Nos.2 and 3 admits the factum of parties having compromised and states that he has no objection in case the



FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

- (a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because*



FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.

- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS, 2023 to quash the FIR as :-

- (i) Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) The offences alleged are primarily of private nature.*
- (iii) The parties have compromised.*
- (iv) As per the report received the compromise is said to be voluntary in its nature.*
- (v) Complainant/victim is reported to have entered into compromise on his own volition*

9. Consequently, the petition is allowed. FIR No.211 dated 24.08.2023 under Sections 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, registered at Police Station Sector 17/18, Gurugram, District Gurugram and all consequential proceedings arising therefrom on

the basis of compromise/affidavit dated 01.01.2025 (Annexure P-2), are hereby quashed *qua* the petitioner.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 16, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No