



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
124+278 CRM-M-6725-2025(O&M)
Decided on : 06.03.2025

Dalel Singh and othersPetitioners
Versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. S.S. Grewal, Advocate for the petitioners.

Mr. P.K. Jhanda, DAG, Haryana.

Mr. Lakhan, Advocate for respondents No. 2 to 6.

SANJAY VASHISTH, J.

CRM-9640-2025

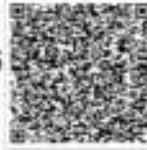
- i) Present application has been filed under Section 528 of BNSS, for placing on record affidavit Annexures A-1 to A-5.
- ii) For the reasons enumerated in the application, same is allowed and the documents are taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

CRM-M-6725-2025

1. Instant petition has been filed under Section 582 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 01.06.2024(Annexure P-2), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section(s)	Police Station	District
440	13.11.2016	148, 149, 323, 342, 427, 452, 506 of IPC	Kundli	Sonipat



2. At the first instance some of the accused had filed quashing petition i.e. CRM-M-34868-2024 for quashing of the proceedings of aforesaid FIR. While entertaining the prayer of the accused/petitioners, co-ordinate Bench of this Court vide its order dated 12.12.2024 recorded that one of the victim namely Savita has neither been arrayed as respondent ; nor her statement was recorded before learned trial Court/Illaq Magistrate and the petition was dismissed by granting liberty to the petitioners to file a fresh petition and it was also clarified that there would be no necessity to re-examine the complainant-victim, other victim(s) and the accused, whose statements stand recorded. Relevant part of the order reads as under:

“ANALYSIS AND REASONING

5. *An analysis of the FIR reveals that there are specific allegations that the accused had also given beatings to Savita. However, the petitioners have neither arraigned her as respondent in this case nor her statements has been recorded before the trial Court/Illaq Magistrate.*

6. *Since all the victims did not state their no objection to the compromise and also the reasons which led to the compromise, as such this Court cannot proceed further in this matter.*

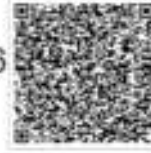
7. *Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the complainant-victim, other victim(s) and the accused, whose statements stand recorded. The copies of the statements alongwith report would suffice.*

Petition dismissed in terms mentioned above, with liberty reserved.

December 12, 2024

***(ANOOP CHITKARA)
JUDGE”***

3. It is thereafter, petitioners approached this Court by way of filing of present petition, seeking quashing of the aforementioned FIR and all other consequential proceedings, by impleading Savita and Inderjeet as party/respondents No. 5 and 6 respectively.



4. Mr. S.S. Grewal, Advocate, submits that infact statements of victim Savita and Inderjeet have already been recorded in the earlier round of litigation, therefore, there being no necessity to re-record the statements, counsel refers to report dated 12.09.2024 sent by learned Judicial Magistrate First Class, Sonipat, in compliance of the order dated 23.07.2024 passed in CRM-M-34868-2024. For reference, report dated 12.09.2024 is reproduced herebelow:

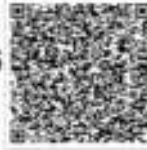
“ Petitioners were also directed to deposit cost of Rs. 25,000/- (collectively) with Sadhna Society for Care of Blind, Sector-26, Chandigarh, Account No. 10506615304, IFSC Code SBIN0003246, State Bank of India, Sector-7, Chandigarh, on or before the date of recording of their statement and produced the receipt of the same to the trial Court/Illaga Magistrate.

It is humbly submitted that on 27.08.2024, application was moved on behalf of complainant on the ground that complainant and his family member could not appear due to death of their relative and victim/injured Sonu has not been granted leave from Air Force. Print Out of online transaction of Rs. 25,000/- in favour of Sadhna Society for Care of Blinds, Sector 26, Chandigarh was placed on record. It is further submitted that on joint request, matter was adjourned to 04.09.2024.

It is further submitted that on 04.09.2024, accused persons placed on record copy of receipt No. 8746 dated 04.09.2024 to substantiate that an amount of Rs. 25,000/- has been deposited by them collectively with Sadhna Society for Care of Blinds, Sector 26, Chandigarh in compliance of order passed by Hon'ble High Court. Copy of receipt is Ex. C1.

Complainant/victim/injured persons namely Sonia w/o Neeraj, Sonu S/o Inderjeet, Bala w/o Inderjeet and Inderjeet S/o Chhotu and accused person namely Dalel Singh son of Sh. Chander Bhan, Rambir Singh son of Sh. Chander Bhan, Kale @ Fale @ Davinder son of Sh. Chander Bhan, Smt. Sushila wife of Sh. Dalel Singh, Smt. Asha wife of Davinder Singh, Smt. Urmila wife of Sh. Rambir Singh had appeared before the Court and suffered their separate statements. All the victim/injured except Inderjeet and Savita are party to the present petition. It is further submitted that name of victim/injured Savita also revealed in the statement of Investigating Officer and she had not appeared on 04.09.2024. Notice were issued to secure her presence and on 12.09.2024, she has appeared before the Court and has suffered her statement.

In respect of the first, second, third, fourth, fifth and sixth information as sought by the Hon'ble High Court, it is humbly submitted that as per record and Statement of Investigating Officer SI Naresh Kumar, posted at PS Kundli, Sonapat recorded separately, the compromise has been effected between the parties on 01.06.2024 with the intervention of respectable person. It is further stated that there is one complainant namely Sonia wife of Neeraj and four victims/injured in the present case namely Sonu



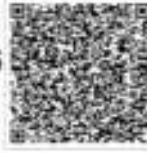
son of Sh. Inderjit, Bala wife of Sh. Inderjit, Inderjit son of Chottu Lala and Savita wife of Sonu and there was seven accused namely Dalel - Singh son of Sh. Chander Bhan, Rambir Singh son of Sh. Chander Bhan, Kale @ Fale @ Davinder son of Sh. Chander Bhan, Smt. Sushila wife of Sh. Dalel Singh, Smt. Asha wife of Davinder Singh, Smt. Urmila wife of Sh. Rambir Singh and proceedings against accused Sukhbir son of Chander Bhan Singh dropped vide order dated 17.03.2024 in the present FIR as he had died. Both the complainant and accused are party to the compromise. However, victim Inderjeet and Savita are not party and other victim/injured are parties. It is further submitted that challan has been filed against the accused. Accused are not proclaimed offender in the present case and accused Davender is involved in one more criminal case bearing FIR No. 415/2023 u/s 279, 338 IPC, PS Alipur, Delhi and accused Rambir is involved in one more case bearing FIR No. 11/2013 under Sections 420, 120B IPC PS Crime Branch, North Delhi and other accused are not involved in any other FIR/criminal case.

It is further submitted that complainant Sonia has suffered a statement to the effect that she is complainant in the present case bearing FIR no. 440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties on 01.06.2024. She has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. She has no grievance against the accused. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court.

It is further submitted that injured/victim Sonu S/o Inderjeet, Bala w/o Inderjeet and Inderjeet S/o Chhotu have suffered separate statements to the effect they are injured/victim in the present case bearing FIR no. 440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties on 01.06.2024. They have entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. They have no grievance against the accused. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court.

It is further submitted that injured/victim Savita has suffered separate statements to the effect that she is injured/victim in the present case bearing FIR no. 440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties. She has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. She has no grievance against the accused.

Accused Dalel Singh, Smt. Sushila, Smt. Asha, Smt. Urmila and Inderjeet have also suffered separate statement to the effect that they are accused in the present case bearing FIR No.

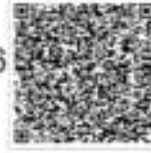


440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties on 01.06.2024 with the intervention of respectable person. They have entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. They have not been declared Proclaimed Offender in present case and they are not involved in any other FIR/criminal case. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court. As per order of Hon'ble Punjab & Haryana High Court, an amount of Rs. 25,000/- have been deposited collectively in the account of Society for the Care of Blind vide receipt No. 8746 dated 04.09.2024 and copy of receipt is Ex. Cl.

Accused Rambir Singh has also suffered statement to the effect that he is accused in the present case bearing FIR No. 440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties on 01.06.2024 with the intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. He has not been declared Proclaimed Offender in the present case and he is involved in one more case bearing FIR No. 11/2013 under Sections 420, 120B IPC PS Crime Branch, North Delhi. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court. As per order of Hon'ble Punjab & Haryana High Court, an amount of Rs. 25,000/- have been deposited collectively in the account of Society for the Care of Blind vide receipt No. 8746 dated 04.09.2024 and copy of receipt is Ex. Cl.

Accused Kale @ Fale @ Davinder has also suffered statement to the effect that he is accused in the present case bearing FIR No. 440 dated 13.11.2016 under Sections 148, 149, 323, 342, 427, 452 and 506 IPC, Police Station Kundli, Sonipat. The compromise has been effected between the parties on 01.06.2024 with the intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. He has not been declared Proclaimed Offender in present case and he is involved in one more criminal case bearing FIR No. 415/2023 u/s 279, 338 IPC, PS Alipur, Delhi. Original compromise has already been submitted before the Hon'ble Punjab & Haryana High Court. As per order of Hon'ble Punjab & Haryana High Court, an amount of Rs. 25,000/- have been deposited collectively in the account of Society for the Care of Blind vide receipt No. 8746 dated 04.09.2024 and copy of receipt is Ex. Cl.

Being satisfied that the statements were being voluntarily made, statements of both the parties were recorded on oath, wherein they have acknowledged of having entered into compromise.



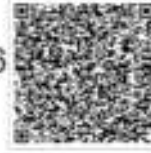
In view of the statements of interested parties, this court is satisfied that the compromise has been arrived between the parties and the said compromise is genuine, voluntary, without any coercion or undue influence. Statement of the parties and Investigating Officer in original are attached.”

5. Learned counsel for the petitioner(s) submits that in view of the report received from the learned Court Below and the affidavits (Annexure A-1 to A-5) there on record, it is evident that dispute has been resolved and private parties have effected a compromise, and there remains no dispute amongst them requiring any adjudication. Further submits that in view of the compromise, so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law, and the same may be quashed.

6. Learned State counsel as also learned counsel for private respondent(s), after going through the statements, the report received from learned Court below as well as the affidavits (Annexures A-1 to A-5), very fairly admit that the private parties have resolved their dispute and effected a compromise and that they have no objection, if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

7. Through catena of judgments, Hon'ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

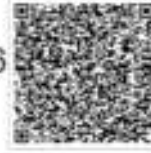
- *Power under Section 482 Cr.P.C./Section 582 BNSS can be exercised to enhance social amity, and to reduce friction.*
- *Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 582 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.*



- *There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C./Section 582 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".*
- *No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 582 of the BNSS.*
- *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.*
- *High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.*
- *Power under Section 482 Cr.P.C./Section 582 BNSS is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court.*
- *Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.*
- *The exercise of power has to be with circumspection and restraint.*
- *The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.*
- *The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.*
- *Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*
- *Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.*

In this regard, judgments cited are:

1. **Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);**



2. Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);
3. Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and
4. Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]

8. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise, so effected between the private parties.

9. The report alongwith statements of the affected parties received from learned Court below as well as the affidavits (Annexures A-1 to A-5), would reveal that the complainant/victim person(s) have genuinely effected a compromise with the petitioners and they no objection, if the impugned FIR and consequential proceedings are quashed.

10. Keeping in view the totality of the facts and circumstances of the case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, this petition is accepted and **FIR (as detailed in para No. 1 above) and all the consequential proceedings arising therefrom** are hereby quashed *qua* the petitioners.

11. Petition stands disposed of.

06.03.2025
rashmi

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO