



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

286

**CRM-M-8508-2025 (O&M)
Date of decision: 13.11.2025**

Suraj Parkash and Others

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Sunil Saini, Advocate for
Mr. Tanvir, Advocate for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Mr. Sunil Hooda, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CRM-21546-2025

Application is allowed as prayed for subject to all just exceptions. Specific affidavits of petitioners as Annexure P-3 are taken on record.

Registry is directed to tag the same at an appropriate place with page marking.

Main case:

1. Present petition is for seeking quashing of FIR No.241 dated 02.12.2022 registered under Sections 34, 379, 427, 506 (Section 34, 379 were deleted and Sections 120-B, 379-A, 452 were added, later on) registered at Police Station Loharu, District Bhiwani, alongwith all the



consequential proceedings arising therefrom, on the basis of compromise dated 29.01.2025 (Annexure P-2).

2. The present FIR had been registered on the complaint of Hardeep Sangwan. The allegations levelled are that on 30.11.2022, Suraj and one unknown person came in Swift car. Both were armed with dandas and they threatened the complainant. They destroyed the windows of the petrol pump and damaged the machinery. They also took Rs.27,000/- from the petrol pump.

3. On receipt of complaint, the CCTV footage was secured and upon identification, disclosures of the petitioners were recorded and recoveries effected. On completion of investigation, final report was filed. Charges were thereafter framed on 28.08.2023. 4 out of total 11 witnesses have been already examined.

4. However, on 29.01.2025, the parties compromised the matter and filed the present petition for seeking quashing of FIR on the basis of compromise.

5. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 14.02.2025 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.

6. Pursuant to the said order, report has been received from the Sub-Divisional Judicial Magistrate, Loharu vide Memo No. 255 dated 13.03.2025. The relevant extract of the report is reproduced as under:-



“Point (1): Whether the statements of parties are bona fide and not result of any pressure or coercion etc. in any manner?”

Report: Yes. The statements of parties are bona fide and not result of any pressure or coercion etc. in any manner.

Point (ii): Whether the compromise effected between the parties is genuine and valid?

Report: Yes. Compromise is genuine and valid.

Point (iii): Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

Report: Yes. All the accused, complainant and injured are party to the compromise.

Point (iv): Whether any other case is pending against either of the parties or not, if yes, the details thereof?

Report: No other case is pending against either of the parties.

Point (v): Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

Report: No.

Point (vi): Whether any of the petitioner(s) is/are previous convict or not?

Report: No. Petitioners are not previous convict.”

7. 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.

8. Learned counsel appearing on behalf of respondent No. 2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

9. The broad principles for exercising the powers under Section



482, Cr.P.C (now Section 528 BNSS) 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.

10. 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.

11. 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 likely to be a waste of judicial time and there appears to be no chances of conviction.

12. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- i) *Petitioner no 1, 2 and 4 are of 23 , 42 and 24 years of age respectively and continued criminal incarceration will*



cause severe repercussions to the petitioners in discharge of his social obligation as well as in his work place.

- ii) Petitioner no 3 is of 74 years of age and continued criminal proceedings in his later years of life will have repercussions on his health and family life.*
- iii) The FIR in question pertains to the year 2022 and trial is still at initial stage as only 4 out of 11 witnesses have been examined so far. Putting an end to the proceedings will bring peace and tranquility among parties.*
- iv) 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;*
- v) 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 waste of judicial time.*

13. In view of the report of the Sub-Divisional Judicial Magistrate, Loharu 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. FIR bearing No.241 dated 02.12.2022 registered under Sections 34, 379, 427, 506 (Section 34, 379 were deleted and Sections 120-B, 379-A, 452



were added, later on) registered at Police Station Loharu, District Bhiwani and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 29.01.2025 (Annexure P-2). However, the same would be subject to payment of costs of Rs.5,000/- to be deposited by each of the petitioner with the DHFWS SKS USERFEES CS OFFICE, PKL, Account No.50100189689492, IFSC Code: HDFC0004832, HDFC Bank Sector-6, Panchkula within a period of two months from receipt of certified copy of this order.

14. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

13.11.2025

Mangal Singh

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