

2025:PHHC:121308



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

125+231

**CRM-M-12811-2025 (O&M)
Date of decision: 05.09.2025**

NARAYAN @ NITIN AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondents

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

Present: Ms. Nirmala Sharma, Advocate for
Mr. Krishan Kanha, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Kshitiz Goel, Advocate for respondent No.2
(Through Video Conferencing).

VINOD S. BHARDWAJ. J.(Oral)

CRM-28893-2025

Application is allowed as prayed for and Annexures P-4 and
P-5 are taken on record.

CRM-M-12811-2025

The petitioners have approached this Court seeking
quashing of FIR No.382 dated 30.09.2021 registered under Sections 147,
149, 323, 452 and 506 of IPC at Police Station Ballabgarh Sadar,
District Faridabad and all subsequent proceedings arising therefrom on



the basis of compromise dated 28.01.2025 (Annexure P-2) effected between the parties.

2. Learned counsel for the petitioners contends that aforesaid FIR was a result of some mis-understanding arising out of a matrimonial dispute. However, with the intervention of the respectables from both the sides, the matter has been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

3. Pursuant to the order dated 07.03.2025, report has been received from the Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Faridabad vide Memo No. 242 dated 24.03.2025. The relevant extract of the report reads thus:-

"(ii) The Complainant namely Anand Bhardwaj @Anand Kumar and the Accused Persons namely Narayan @ Nitin, Gopal @ Lala, Prechand (@Prem Chand Sharma, Usha Devi @ Usha Sharma, Jagmohan and Anuradha have clearly stated that they have entered into the compromise voluntarily and without any pressure. The Accused Persons and the Complainant were duly identified by their counsels i.e. Sh. Rajat Dular, Advocate for the accused persons and Sh. Dharmender Kumar Bhati, Advocate for the complainant. Their Power of Attornies are also on record. The Aadhar cards of the accused person along-with the complainant have also been placed on record.

(iii) In pursuance of notice, Investigating Officer ASI Gajesh Kumar No. 785, P.S. Saran, Faridabad appeared before the Court on 20.03.2025 and his statement duly recorded.



(iv) *In the present case, as per the statement of the concerned Investigation Officer, ASI Gajesh Kumar No. 785, at present posted at. PS Saran, Faridabad that there are seven accused and one complainant in the present case. There are two more victims namely Smt. Komal and Smt. Lajja Devi in the present case.*

(vi) *In the present case, as per the statement of the concerned Investigation Officer, ASI Gajesh Kumar No. 785, at present posted at, P.S. Saran, Faridabad, neither any party have been declared proclaimed person nor any PO proceedings is pending against any of the parties.*

(vii) *As per the statement of concerned Investigation Officer. ASI Gajesh Kumar No. 785, at present posted at, P.S. Saran, Faridabad, no other case is pending against accused Premchand @Prem Chand Sharma and Usha Devi @ Usha Sharma.*

That another FIR 365 dated 18.09.2021 under P.S. Sadar Ballabhgarh, Faridabad is also pending against accused Anuradha. That FIR No. 76/2024 under P.S. Sadar Ballabhgarh, Faridabad and FIR No. 469/2021 PS. Sadar Ballabhgarh are also pending against accused Narayan @ Nitin. That another FIR No. 13/2019 under P.S. SGM Nagar is also pending against accused Brijesh Kumar. That FIR No. 76/2024 under P.S. Sadar Ballabhgarh, Faridabad, FIR No. 469/2021 P.S. Sadar Ballabhgarh, FIR No. 143/2024, P.S. Sadar Ballabhgarh, Faridabad, FIR No. 285/2023 P.S. Sadar Ballabhgarh, Faridabad, FIR No. 253/2022 P.S. Sadar Ballabhgarh, Faridabad, FIR No. 104/2024 P.S. Sadar Ballabhgarh, Faridabad and FIR No. 212/2023 P.S. Chhainsa, Faridabad are also pending against accused Gopal @ Lala. That another FIR No. 469 dated 29.11.2021 under Secion 195A, 323, 506 read with 34 IPC is also



pending against accused Jagmohan.

(viii) *That Anand Bhardwaj @ Anand Kumar is the complainant in the present case. That there are two more victims namely Smt. Komal and Smt. Lajja Devi in the present case but they were not made party to the quashing proceedings before the Hon'ble High Court.*

(ix) *This Court is of the considered view that the compromise appears to be genuine and have been reached voluntarily and without any coercion or undue influence between the complainant Anand Bhardwaj @ Anand Kumar and the accused persons namely Narayan @Nitin, Gopal @ Lala. Prechand @Prem Chand Sharma, Usha Devi @ Usha Sharma, Jagmohan and Anuradha and the Investigating officer and they have made their statements voluntarily and without any threat, inducement, coercion undue influence. The compromise is a valid compromise."*

4. A perusal of the aforesaid report shows that compromise has been effected voluntarily between the parties and is genuine and without coercion or any undue pressure. Moreover, there are two other victims namely Smt. Komal and Smt. Lajja Devi, though not made as parties in the present petition, Smt. Komal filed a separate FIR No. 365 dated 18.09.2021 under Sections 323 & 506 of the Indian Penal Code, 1860 registered at Police Station Ballabhgarh Sadar, District Faridabad. It is pertinent to mention that the aforesaid FIR was quashed by this Court vide order dated 24.03.2025 passed in CRM-M-10269-2025 on the basis of compromise effected between the parties therein on 28.01.2025.

5. Counsel appearing on behalf of the petitioners has



categorically stated that with respect to compromise qua Smt. Lajja Devi, she had not filed any FIR regarding the incident and the same was registered by the present petitioner and as such the trial Court had erred by mentioning her name in its report.

6. 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.

7. Mr. Kshitiz Goel, Advocate, appears on behalf of respondents No. 2 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8. The Full Bench of this Court in the matter of "**Kulwinder Singh and others versus State of Punjab and another**" reported as **(Punjab and Haryana High Court): 2007 (3) RCR (Criminal) 1052** has been observed as under:

'(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".

*(29) In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors.**, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*

"The finest hour of justice arrives propitiously when



parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion."

(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

(32) The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". 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 of the Cr.P.C. 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 such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

(33) The only inevitable conclusion from the above



discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

(34) The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. 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.

9. The legal principles as laid down for quashing of the FIR were also approved by the Hon'ble Supreme Court in the matter of 'Gian



Singh Versus State of Punjab and another, (2012)10 SCC 303'. Still further, the broad principles for exercising the powers under Section 482 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'**.

10. 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 is likely to be a waste of judicial time and there appears to be no chances of conviction. Besides, merely because there are other FIRs against the petitioners, it should not act as a bar against amicable resolution of the dispute.

11. The Hon'ble Supreme Court has held in the matter of **'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. The observation of the Hon'ble Supreme Court is extracted as under:-

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power



enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscience of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

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 of the Bharatiya Nagarik Suraksha Sanhita, 2023 :-

- i) In the present case, the FIR was a result of some misunderstanding arising out of matrimonial dispute.
- ii) The petitioners No.1, 2, 5, 6 are in their twenties and continued incarceration of the petitioners is likely to cause severe repercussions to the petitioners in discharge of their social obligations as well as in their work place.
- iii) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the



society or public at large. It can also not be termed as one shocking to the conscience of the Court;

- iv) Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to subserve any large public interest;
- v) The proceedings are likely to end in futility for want of parties to support the case of the prosecution;
- vi) No larger public purpose would be served by continuation of the proceedings;
- vii) The complainant is not likely to support the case of the prosecution. Continuation of the proceedings is likely to be a waste of judicial time. The object of law is well served when the parties resolve their differences and choose to peacefully co-exist and live in harmony.

13. In view of the report of the Judicial Magistrate, 1st Class, Faridabad and the principles laid down by the Apex Court in **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, as well as **Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834** and also by the Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, the instant petition is allowed. The aforesaid FIR No.382 dated 30.09.2021 registered under Sections 147, 149, 323, 452 and 506 of IPC at Police Station Ballabhgarh Sadar, District Faridabad and all other



CRM-M-12811-2025 (O&M)

-11-

consequential proceedings arising therefrom are hereby quashed qua the petitioners in view of compromise dated 28.01.2025 (Annexure P-2). However, the same would be subject to payment of costs of ***Rs.15,000/-*** to be deposited by the petitioners with the ***"Haryana State Disaster Response Fund, Account No. 39681102475, IFSC-SBIN0010603, State Bank of India, New Haryana Civil Secretariat Branch, Sector-17, Chandigarh"***, within a period of two months from receipt of certified copy of this order.

Petition is allowed.

SEPTEMBER 05, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No