



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

300

CRM-M-17379-2025

Date of decision: 05.08.2025

ANKIT DHONCHAK AND ANOTHER

...PETITIONERS

V/s

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Shivani Jaglan, Advocate for the petitioners.

Mr. Vishal Singh, AAG, Haryana.

Ms. Nandini Gupta, Advocate
for respondent Nos.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.54 dated 27.02.2025 under Sections 115, 126, 190, 191(3), 324(4) of BNS, registered at Police Station Model Town, District Panipat and all consequential proceedings arising therefrom on the basis of compromise dated 20.03.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 01.04.2025, the following order was passed:

“Prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of FIR No.54 dated 27.02.2025 registered under Sections 115, 126, 190, 191(3), 324(4) of BNS, 2023 at Police Station Model Town, District Panipat on the basis of compromise (Annexure P-2).

Notice of motion.

At this stage, Mr. Abhishek Malik, Advocate, accepts notice on behalf of the respondents No.2 & 3 and has filed power of attorney which is taken on record. He has admitted the correctness of compromise (Annexure P-2) and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. Arjun Lakhanpal, Addl.A.G., Haryana accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaq Magistrate on 07.05.2025 or any other date convenient to the trial



Court/Illaqa Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa 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 09.07.2025 for awaiting the report.

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

3. Pursuant to the aforesaid order, report dated 22.05.2025 from Judicial Magistrate, Ist Class, Panipat, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I have the honour to submit that the Hon'ble High Court vide order dated 01.04.2025 passed in CRM-M-17379-2025 titled as "Ankit Dhonchak versus State of Haryana and others" has directed the parties to appear before the Trial Court for recording their statements qua compromise on or before 07.05.2025. The Trial Court is directed to send report on following points:-

- 1. Number of persons arrayed as accused in 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.*

As per the directions issued by Hon'ble Punjab & Haryana High Court, Chandigarh, in the instant FIR, complainant namely Manjeet Singh son of Sh.

Ramesh Malik resident of Village Buana Lakhu, Tehsil Israna, District Panipat, injured Dharampal son of Shri Balwant Singh resident of House No. 639, Naio Vali Gali, Bhao Vali Chopal Buana Lakhu District Panipat and accused namely Ankit Dhonchak son of Sh. Bijender Dhonchak resident of House No. 315, Near Dada Khera, Binjhol Panipat, appeared in person for getting their statement recorded regarding the compromise. The Complainant and accused were specifically asked as to whether the matter has been promised without any coercion or influence from any corner and it is voluntarily and out of their free will. After the Court was satisfied about the voluntariness of the compromise, their statements in this regard has been recorded separately which has been duly identified by their respective counsels. Concerned Investigating Officer ASI Yogesh, No. 1517, PPT, P.S. Model

Town, Panipat was also called and his statement also recorded in the instant case. Perusal of the file also reveals the following important facts:-

- 1. With regard to query no.1, there are only one complainant namely Manjeet Singh and one injured namely Dharampal in this case. There are only two accused namely Sachin and Ankit and 10-12 unknown persons but two accused Sachin and Ankit arrayed as accused in FIR. Complainant Manjeet Singh and injured Dharampal not appeared before the Court but accused Ankit appeared in the court and statement of accused Ankit recorded in support of compromise effected between them.*
- 2. With regard to query no. 2, No accused is declared as proclaimed offender.*



3. With regard to query no. 3, The trial in the present case is at the stage of investigation.

4. With regard to query no. 4, This compromise is genuine, voluntary and without any coercion or undue influence.

The separate Statements of accused Ankit Dhonchak son of Sh. Bijender Dhonchak resident of House No. 315, Near Dada Khera, Binjhol Panipat as Annexure-A, complainant Manjeet Singh son of Sh. Ramesh Malik resident of Village Buana Lakhu, Tehsil Israna, District Panipat as Annexure-B, Injured Dharampal son of Shri Balwant Singh resident of House No. 639, Naio Vali Gali, Bhao Vali Chopal Buana Lakhu District Panipat as Annexure-C in original, Statement of I.O ASI Yogesh, No. 1517/PPT, P.S.Model Town, Panipat in original as Annexure-D, is annexed herewith for the kind perusal of Your Lordship.

In view of the aforesaid joint statement of complainant as well as that of accused, the compromise in the present case appears to be genuine, voluntary and without any threat, fear, inducement and pressure. This is for your honour kind perusal.”

4. Learned counsel for respondent Nos.2 and 3 admits the factum of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners 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.54 dated 27.02.2025 under Sections 115, 126, 190, 191(3), 324(4) of BNS, registered at Police Station Model Town, District Panipat and all consequential proceedings arising therefrom on the basis of compromise dated 20.03.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

05.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No