

2025:PHHC:063909



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

263

CRM-M-20266-2025 (O&M)
Date of decision: 14.05.2025

Pankaj Kumar Yadav and another

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Shivansh Malik, Advocate, for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Nikhil Vats, Advocate for respondent No.2.

KIRTI SINGH. J.(Oral)

1. Prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.390 dated 27.10.2023 registered under Sections 376(2)(n) and 560 IPC and Section 3(2)(va) of the SC & ST (Prevention of Atrocities), Act at Police Station Urban Estate, District Rohtak and all the consequential proceedings arising therefrom on the basis of compromise dated 03.04.2025 (Annexure P-2) effected between the parties.

2. Learned counsel for the petitioners relies upon a judgment of the Hon'ble Supreme Court in **Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497**, to contend that FIR under Section 376 of IPC (now Section 64 of Bharatiya Nyaya Sanhita, 2023) can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in

2025:PHHC:063909



Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149 and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while directing the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise, passed the following order on 02.05.2024:-

“CRM-17511-2025

This application has been filed for amendment in head note as well as in the prayer clause of the petition.

The application is allowed as prayed for.

CRM-M-20266-2025

This petition has been filed for quashing of FIR No.390 dated 27.10.2023 registered at Police Station Urban Estate, Rohtak District Rohtak under Sections 376(2)(n) & 506 IPC (Sections 204 & 120-B IPC added later on) and Section 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and along with all consequential proceedings arising therefrom, on the basis of compromise dated 03.04.2025 (Annexure P2) arrived at between the parties.

Learned counsel for the petitioner inter alia submits that the complainant has got the present case registered against the petitioners on some misunderstanding. The matter has been compromised between both the parties. He has placed reliance upon

2025:PHHC:063909



*the judgment of the Hon'ble Supreme Court titled as **Kapil Gupta Vs. State of NCT of Delhi and another 2022(4) RCR (criminal) 497.***

Notice of motion.

Served with an advance copy of the petition, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State. Mr. Nikhil Vats, Advocate, accepts notice on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 05.05.2025 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of the trial/proceedings pending;*
- 4. If, the compromise is genuine, voluntary and out of free will of the parties;*
- 5. Whether any other criminal case pending against the accused.*

Report of the trial Court/Illaq/Duty Magistrate be awaited for 14.05.2025. ”

5. Pursuant to the aforesaid order, report dated 08.05.2025 has been

2025:PHHC:063909



received from the Chief Judicial Magistrate, Rohtak. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

2025:PHHC:063909



Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

xxx xxx xxx. ”

8. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.
9. Resultantly, the present petition is allowed and FIR No.390 dated 27.10.2023 registered under Sections 376(2)(n) and 560 IPC and Section 3(2)(va) of the SC & ST (Prevention of Atrocities), Act at Police Station Urban Estate, District Rohtak and all other consequential proceedings are quashed qua the petitioners on the basis of the compromise dated 03.04.2025 (Annexure P-2), subject to payment of Rs.20,000/- to be deposited by the petitioners in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.
10. Pending miscellaneous application(s), if any, also stands disposed of.

14.05.2025

Ramandeep Singh

(KIRTI SINGH)
JUDGE

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