



CRM-M-25252-2025
Date of Decision:29.07.2025

...Petitioners

Versus

...Respondents

Present: Ms. Rajvinder Kaur Sohal, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. The petitioners have approached this Court by way of filing present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of *Kalandra* bearing DDE No.14 dated 30.03.2025 under Sections 126/169/170 of BNS, Police Station Nising, District Karnal (Annexure P-4) along with all subsequent proceedings arising therefrom registered on the basis of cross-version with mala fide intention and without any preliminary satisfaction by the investigating agency.

2. It has been submitted by the learned counsel for the petitioners that from the petitioners side FIR No.107 dated 16.03.2025 under Sections 115/351(2)/126(2)/3(5) and 117(2)(B) of the BNS, Police Station Nising, District Karnal had been lodged against the respondents. In order to pressurize the petitioners and compromise the matter, the impugned *Kalandra* has been lodged against the petitioners. It is submitted that the family of the petitioners

had been deliberately roped only in order to intimidate and humiliate the entire family. Allegations made are vague and omnibus in nature. She submits that the dispute is purely of civil nature and thus, registration of the *Kalandra* is totally an abuse of the process of the Court.

3. Per contra, learned State counsel has vehemently opposed the submissions made by the counsel for the petitioners. He submits that the petitioner before this Court is *Sarpanch* of the village and he himself is accused of usurping the *panchayti* land. He submits that for maintaining peace and tranquility in the village, *Kalandra* has been issued, which was essential in the prevailing situation.

4. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the dispute in hand is already pending between the parties as the petitioner is *Sarpanch* of the village and the *Kalandra* has been issued only for maintaining peace and tranquility in the village.

5. Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303***, has further held as under:-

“61. 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. 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. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case

and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

6. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction. Resultantly, the present petition being devoid of any merit is hereby dismissed.

7. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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