



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

**CRM-M-27002-2025(O&M)
Date of Decision:19.05.2025**

Gulshan and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Prateek Singh, Advocate for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Dinesh Kumar Daporia, Advocate for respondent No.2.

JASGURPREET SINGH PURI J.(Oral)

1 The present petition has been filed under Section 528 of BNSS for quashing of FIR No.0103 dated 29.02.2016, under Sections 323, 354, 452 and 506 of IPC registered at Police Station Manesar, District Gurugram, Haryana, alongwith all other consequential proceedings on the basis of the compromise dated 10.05.2025 (Annexure P-4).

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case, the FIR was registered by respondent No.2, alleging that 6-7 boys had come from a PG and they were drunk, carrying *dandas* and rods in their hands. They allegedly attacked the husband of respondent No.2, caused injuries to his right arm, scuffled with him and thereafter also showed a pistol and gave life threats. He further submitted that now the matter has been compromised between the parties with the intervention of respectables and therefore the present FIR and all



consequential proceedings may be quashed on the basis of said compromise.

3. Learned counsel further submitted that the present petition has been filed by three petitioners but there is another fourth co-accused who was also nominated in the FIR. However, since the said fourth accused was declared a proclaimed offender, he has neither joined as a petitioner in the present petition nor as a party to the compromise. He further submitted that the complainant has stated in her affidavit, filed along with the present petition, that she has no objection in quashing of the present FIR, including the aforesaid fourth accused namely Munesh @ Pardeep Kumar, who was declared a proclaimed offender. Therefore, the present FIR may be quashed on the basis of the compromise.

4. On the other hand, learned State counsel submitted that he has received an advance copy of the present petition and has sought instructions in the present case. He submitted that the present petition has been filed by three accused persons and not by the 4th accused, namely Munesh @ Pardeep Kumar and has referred to a Division Bench judgment of this Court in ***Rakesh Das Vs. State of Haryana and anr.*** (CRM-M-No.48043-2023) decided on 12.11.2024 to contend that partial quashing is not permissible. He submitted that the allegations contained in the FIR are also very serious in nature, whereby, as per the allegations, 6–7 boys had come from a PG Manesar, in front of the house of the complainant. They were drunk and had *dandas* and rods in their hands and they attacked the husband of the complainant, causing injury to his right arm. Thereafter, they fled after giving life threats. He submitted that otherwise also the



subject matter of the present FIR falls under serious offence and therefore, in light of Hon'ble Supreme Court judgment in '*State of Madhya Pradesh Vs. Laxmi Narayan*', 2019 (2) SCC (Cri.) 706, the present FIR cannot be quashed based upon compromise.

5. Learned State counsel also raised an objection that in the present case the compromise attached with the petition as Annexure P-4 has been entered into by the complainant namely Santosh Verma along with the three petitioners and not with the 4th co-accused, as the said 4th accused namely Munesh @ Pardeep Kumar was declared a proclaimed offender in the year 2016. Thereafter he was arrested and now as per the instructions he has again absconded and warrants of arrest have been issued against him. Therefore, the present petition is not only not maintainable on the ground that partial quashing is not permissible but also considering the aforesaid facts and circumstances, particularly that the 4th co-accused has again absconded and warrants of arrest have been issued against him, the present petition is liable to be dismissed as it is based on a mutual compromise.

6. Learned State counsel further submitted that apart from the above, even as per the FIR itself, the husband of the complainant was also an aggrieved person because according to the complainant's own allegations, injuries were caused to her husband, resulting in injury to his right arm. However, the husband of the complainant is neither a party to the compromise nor has he been impleaded as a party in the present petition. Therefore, on this ground as well, in the absence of the aggrieved party being a necessary party to the compromise and the present petition,



the petition cannot sustain. He submitted that in this way, the petition is also liable to be dismissed on the ground of non-joinder of necessary party.

7. Learned counsel appearing on behalf of respondent No. 2, through V.C. submitted that the complainant, who is respondent No. 2 is the aggrieved person and has now compromised the matter with the present petitioners. Therefore, it is not necessary for the husband to be a party to the compromise. Furthermore, she is ready and willing to produce the affidavit of the husband as well. With regard to the issue of partial compromise and quashing, he submitted that respondent No. 2 has stated in the affidavit attached to the present petition that she has no objection if the present FIR is quashed based on the compromise qua the aforesaid 4th petitioner/co-accused, namely Munesh @ Pardeep Kumar, who is neither a party to the present compromise nor to the petition. He also submitted that because of the aforesaid technical reasons, the present petition may not be dismissed but considering the aforesaid facts and circumstances, the present FIR may be quashed qua the present petitioners in the interest of justice.

8. I have heard the learned counsels for the parties.

9 The present petition has been filed by three petitioners who are the accused in the present FIR. The FIR is of the year 2016 and as per the learned counsels for the parties, the matter is still at the prosecution evidence stage. There is also a fourth co-accused, namely Munesh @ Pardeep Kumar, who was declared a proclaimed offender in 2016. According to the learned State counsel, he was arrested in 2017 and was facing trial, however, he has once again absconded and arrest warrants



have been issued against him. A perusal of the compromise attached with the present petition as Annexure P-4 would show that the aforesaid co-accused, namely Munesh @ Pardeep Kumar, is neither a party to the compromise, nor is he a petitioner in the present petition. Therefore, it is clear that the present petition is seeking partial quashing. The prayer of the learned counsel for the petitioners, as well as that of the learned counsel for respondent No. 2, for quashing the present FIR based on the compromise, can be considered from different aspects.

10. Firstly, the present petition is seeking quashing of the FIR on behalf of three co-accused, whereas one of the co-accused is not a party to the petition or the compromise. Therefore, it is a partial quashing petition or a piecemeal quashing petition. However, as per the affidavit filed by respondent No. 2, she has stated that she has no objection in case the present FIR is quashed qua Munesh @ Pardeep Kumar as well.

11. A Division Bench of this Court in ***Rakesh Das Vs. State of Haryana and anr.(supra)*** held that piecemeal quashing is not permissible and therefore on this ground the present petition would not be maintainable. Secondly, a perusal of the FIR would show that respondent No. 2-complainant, lodged the FIR in the year 2016, as per Annexure P-1. In the FIR, she alleged that around 6-7 boys came from a PG in front of their house, were drunk and were carrying *dandas* and rods in their hands. They attacked her husband, causing injuries to his right arm, scuffled with him and also misbehaved and abused her. When the complainant and her husband raised a hue and cry, the accused gave them life threats and also abused the complainant. The aforesaid allegations which are so contained



in the FIR are undoubtedly serious in nature and therefore subject matter of the present FIR would fall under the category of serious offence. The allegations, *ex facie*, suggest that they are not personal in nature, such as matrimonial matters or financial disputes. Rather, as per the allegations, a number of boys attacked a couple, which is not a personal offence and therefore it is against the public at large and by no stretch of imagination can it be said to be a personal offence and therefore as per the judgment of Hon'ble Supreme Court in ***“State of Madhya Pradesh Vs. Laxmi Narayan” (supra)*** the subject matter falls under the category of serious offence and therefore there can be no quashing of the FIR based upon compromise when the subject matter of the offence falls under the serious offence. Not only this the FIR is of the year 2016 and the aforesaid compromise attached with the present petition is of the year 2025 i.e. after a period of 09 years and at this stage otherwise also the FIR cannot be quashed based upon the compromise as the case is still at the stage of prosecution evidence. One of the other co-accused, namely Munesh @ Pardeep Kumar, was declared a proclaimed offender and was arrested in 2017. However, he has since absconded again and warrants of arrest have been issued against him. He is neither a party to the present case nor to the compromise.

12. Thirdly, as per the allegations contained in the FIR, not only respondent No. 2-the complainant but also her husband was attacked and injuries were caused to his right arm. However, he is neither a party to the compromise nor has he been impleaded as a respondent in the present petition, despite being a necessary party. Therefore, the present petition is



not maintainable on account of non-joinder of a necessary party.

13. It is a settled law that a prayer for quashing of an FIR based upon a compromise is not a matter of right. Quashing must be done by the Court in exercise of its powers under Section 528 of BNSS in a cautious and diligent manner. It is only when the Court is satisfied that the further continuation of the prosecution would cause a miscarriage of justice and would be an abuse of the process of law, considering the nature of the offence and the role of the accused persons, that the FIR can be quashed based on the compromise, but not as a matter of right.

14. This Court is satisfied that it is not a fit case for quashing the present FIR in view of the aforesaid reasons. Consequently, finding no merit in the present case, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

19.05.2025
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Whether speaking:	Yes/No
Whether Reportable:	Yes/No