



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

Date of decision: 10.12.2025

CRM-M-31418-2023

DEEPA RAM AND OTHERSPetitioners
VERSUS

STATE OF HARYANA AND ANOTHERRespondents

CRM-M-8812-2024

AJIT KUMAR PANWARPetitioners
VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Harsh Chopra, Advocate
for the petitioners in CRM-M-31418-2023.
(Through Video Conferencing).

Mr. Gourav Jain, Advocate
for the petitioner in CRM-M-8812-2024.

Ms. Geeta Rani, AAG, Haryana.

Mr. Gaurav Grover, Advocate and
Ms. Charu Grover, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petitions under Section 482 of CrPC (now

Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) is for quashing of FIR No.69 dated 16.02.2020 under Sections 406, 420, 120-B and 506 of the Indian Penal Code, 1860 registered at Police Station City Tohana, District Fatehabad along with all subsequent proceedings arising therefrom on the basis of compromise dated 26.06.2023/02.02.2024.

2. As both these petitions emanate from the same FIR, they are being decided by a common order. Facts, however, are being taken from CRM-M-31418-2023. Briefly summarized, the facts are that the respondent-complainant Mandeep Kumar @ Ghuggi is involved in agricultural work. In June 2018, he went to village Bata and the land of his in-laws was being cultivated by one Ramniwas. The complainant struck up a conversation with Ramniwas regarding the rising cost of marriages and how a landlord could perform marriages for girls, given the high price of gold. Ramniwas then referred to his friend Ajit (petitioner in CRM-M-8812-2024), who sold gold at low prices. The complainant had a conversation with Ajit, who introduced the former to the petitioners herein. The petitioners told the complainant that they were coming to Tohana and asked him to arrange money since the price of 1kg of gold was approximately Rs. 25 lakh. On 28.07.2018, the complainant received a call from Ajit that he, along with the petitioners, was coming to Tohana the next day. An arrangement was subsequently struck between the parties and the complainant agreed to pay Rs. 25 lakh to the petitioners. On 08.08.2018, the complainant's brother Jagdeep withdrew Rs. 37 lakh from his account, and he gave Rs. 25 lakh to the complainant. The complainant gave the money to the petitioners and he was assured that he would be handed over the gold after a month. Thereafter, the complainant

met the petitioners at Shagun Marriage Palace, Tohana and he was reassured that he would be given gold at Jodhpur, and then Fauladi. However, the complainant was not given the gold, and thus the present FIR came to be registered against the petitioners.

3. It is, however, averred that with the intervention of the respectables from both sides, the matter has now 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. Hence, the present petitions.

4. Pursuant to the order dated 11.03.2024, a report has been received from the Judicial Magistrate 1st Class, Tohana vide Memo No. 407 dated 03.05.2024. The relevant extract of the report reads thus: -

“2. Challan in this case was filed on 17.11.2023 and the case was fixed for appearance of accused. In compliance of order dated 11.03.2024 passed by Hon'ble High Court, complainant namely Mandeep Kumar appeared before the Court on 20.04.2024 and stated that he has compromised the matter amicably. He has no objection if the present FIR be cancelled. The said compromise has taken place without any force, under influence or coercion. Complainant is only victim in this case. His statement to this effect has been recorded. Complainant is duly identified by his counsel.

3. The statement of IO namely Sh. Hardayal Singh, SI 970/BWN, P.S. Sadar Tohana, District Fatehabad was recorded on 23.04.2024, in which he stated that there are four accused namely Deepa Ram @ Deepu, Manvinder @ Mansa, Abdul Kareem Khan and

Ajit Kumar in the present case. The complainant Mandeep is the only victim in the case and none of the accused above-named has ever been declared proclaimed person in this case or any other case as per record. However, it is pertinent to mention here that, as per record accused Deepa Ram @Deepu, Manvinder @Mansa, Abdul Kareem Khan and Ajit Kumar are also involved in other cases.

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4. Accused namely Deepa Ram @ Deepu, Manvinder @ Mansa and Abdul Kareem Khan have appeared on dated 26.04.2024 and their joint statement has been recorded. Statement of accused Ajit Kumar has been recorded on 01.05.2024. They have also stated that compromise has been effected with the complainant without any pressure, fear or undue influence. All the accused have been identified by their respective counsel.

5. After careful perusal of the statement given on solemnly affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, this Court is convinced that the compromise between the parties in question appears to have been entered into voluntarily without any pressure and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, the above report is forwarded for your kind perusal, please.”

5. 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.

6. Mr. Gaurav Grover, Advocate and Ms. Charu Grover, Advocate, appear on behalf of respondent No. 2 and reiterates the settlement and their concurrence to the quashing of the FIR along with all the other consequential proceedings.

7. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure 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' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants,

the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

8. The Hon'ble Supreme Court has held in '**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.

9. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. The dispute primarily arose on account of the petitioners not supplying the gold to the complainant despite taking money for the same.

- b. Petitioners are in the age bracket of 35-45 years and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.
- c. The FIR in question pertains to the year 2020 and 05 years have elapsed since then. Putting an end to the proceedings will bring peace and tranquillity amongst the parties.
- d. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- e. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

10. In view of the report submitted by the Judicial Magistrate First Class, Tohana and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petitions are allowed. The FIR No.69 dated 16.02.2020 under Sections 406, 420, 120-B and 506 of the Indian Penal Code, 1860 registered at Police Station City Tohana, District Fatehabad, along with all subsequent proceedings arising therefrom, are **hereby quashed** in view of the compromise dated 26.06.2023/02.02.2024. However, the same would be subject to payment of

***Red Cross Old Age Home, A/c No.50100286016319, IFS Code
HDFC0004030, HDFC Bank, Sector 15, Panchkula*** within a period of two
months of receipt of certified copy of this order.

Petitions are allowed.

DECEMBER 10, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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