



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-28384 of 2025 (O&M)

Reserved On: 28.10.2025
Pronounced On: 30.10.2025

Shabir alias Ashok and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Vikas Kumar Rana, Advocate
for the petitioner(s).

Mr. Vijay Kumar, Assistant Advocate General,
Haryana, for the respondent No.1.

Mr. J.P.Rana, Advocate
for the respondents No.2 and 3.

Surya Partap Singh, J.

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only, has been filed by the petitioner for quashing of FIR No. 40 dated 16.03.2025, under Sections 115(2), 110, 190, 191(2) and 351(3) [Sections 190 and 191(2) of BNS were deleted later on and Section 3(5) of BNS added later on] of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Dhauj, District Faridabad. All the subsequent proceedings have also been sought to be quashed.

It has been claimed by the petitioners that for lasting peace and

harmony in the vicinity/society, the parties have entered into compromise and settled the dispute amicably.

3. Briefly stating the facts emerging from the record are that the FIR of this case came into being on the complaint of Vijay, wherein he stated that on 16.03.2025, he along with his family was celebrating the birthday of his son, namely Monu, at his home. As per complainant, the scooty of Meena wife of Azad was parked in front of his house and while passing through, his relative's feet touched the scooty, upon which Meena started hurling abuses. As per complainant, on hearing abusive language he and his family members came out of their house. According to complainant, Meena called ASI Sajid, his brother Ashok, son-Shaan, Rihan, Amit and Ashish sons of Azad and started beating the complainant and his family members. ASI Sajid and Irshad hit the complainant on his head with stick and Shaan hit the complainant's cousin-Ravi with a brick on his face. Upon hearing commotion, the accused persons fled from the spot.

4. Once the present petition seeking for quashing of FIR on the basis of compromise was filed, for the verification of genuineness of the alleged compromise, by virtue of order dated 27.05.2025, the parties were directed to appear before the learned trial Court and get their statements recorded. It was further directed that the learned trial Court, after recording of their statements, would report as to whether the compromise is genuine and voluntary.

5. In response to the above mentioned direction, the learned Additional Sessions Judge, Faridabad, has submitted his report and recorded the observations that the compromise arrived at between the parties is

genuine, voluntary and without any coercion or undue influence.

6. As far as the offence allegedly committed by the petitioners is concerned, a perusal of the record shows that the offence punishable under Sections 110, 351(3), 3(5), 190 and 191(2) of BNS and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for which the petitioners have been prosecuted, is non-compoundable. However, in view of cumulative effect of the following factors:-

- i) that the occurrence involved in the present case is purely personal and private in nature;
- ii) that there is no criminal history of the petitioner;
- iii) that the dispute between the parties is predominantly of civil character;
- iv) that it does not involve heinous and serious offence of mental depravity;
- v) that the action of petitioner does not have a serious impact on the society;
- vi) the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties;
- vii) that the accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the Investigating Officer;
- viii) that a perusal of the documents reveal that the settlement has not been secured through coercion, threats, social

boycotts, bribes, or other dubious means;

- ix) that the victim has willingly consented to the nullification of criminal proceedings;
- x) that there is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- xi) that in the given facts, the occurrence does not affect public peace or tranquility, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- xii) that the rejection of compromise may lead to ill will and the pendency of trial affects career and happiness;
- xiii) that there is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, and professional offender; and
- xiv) that the exercise of the inherent power for quashing the conviction, sentence and all previous proceedings are justified to secure the ends of justice.

it is hereby held that the instant case is a fit case wherein the jurisdiction vested in this Court by virtue of Section 482 Cr.P.C. should be exercised and the FIR should be quashed.

7. With regard to quashing on the basis of compromise the Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052*, held that the High Court has jurisdiction, by virtue of Section 482 Cr.P.C, to allow the compounding of non-

compoundable offence(s) and quash the proceedings, 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.

8. The Hon'ble Supreme Court of India in the case of *Gian Singh vs. State of Punjab and another, 2012(4) RCR (Criminal) 543*, 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. As per Hon'ble Supreme Court, 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 of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance 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."

9. In view of the afore-referred principles of law, and after perusing the reply filed by the State regarding amicable settlement between the petitioners and respondents No.2 and 3, this Court finds that quashing of 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.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, the present petition is hereby accepted and the FIR No. 40 dated 16.03.2025, under Sections 115(2), 110, 190, 191(2), 351(3) and 3(5) of BNS and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Dhauj, District Faridabad, and the consequential proceedings arising therefrom, are hereby ordered to be quashed.

11. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Surya Partap Singh)
Judge

October 30, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No