



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

319-2

CRM-M-30424-2025

Date of decision: 29.07.2025

MUKUL DAHIYA AND ANR

....PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shivam Sachdeva, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. J.S. Rana, Advocate for
respondent Nos.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.0301 dated 25.11.2022 under Sections 323, 34, 427, 325 and 506 of IPC, registered at Police Station, Sector 17/18 Gurugram and all consequential proceedings arising therefrom on the basis of settlement dated 25.04.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 03.07.2025, the following order was passed:

“1. *Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the Settlement Agreement dated 25.04.2025 (Annexure P-2), effected between the parties.*



DETAIL OF CRIMINAL CASE:

<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
301	25/11/2022	323, 34, 427, 325 & 506 of IPC	Sector 17/18	Gurugram

Further, details of petitioner(s)/accused and complainant/victim(s), as per memorandum of parties of present petition, is as under:-

<i>Sr. No.</i>	<i>Name(s)</i>	<i>Status in present petition viz. Petitioner/ accused OR Complainant/ victim – respondent No.</i>
1.	Mukul Dahiya, Yogesh Dalal	Petitioners No.1 & 2.
2.	Gaurav, Ankur	Respondents No.2 & 3 (Complainants/victims).

2. Learned counsel for the petitioners submits that in fact, it is a case of no injury. Besides, all the parties to the dispute, already arrayed as parties in the present petition, have amicably resolved their dispute through Settlement Agreement dated 25.04.2025 (Annexure P-2). Therefore, if proceedings arising from the aforementioned FIR, and all the consequential proceedings arising therefrom, are quashed, all the parties and their family members will be able to live their lives peacefully.

3. Notice of motion.

4. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State.

5. Mr. J.S. Rana, Advocate appears on behalf of respondents No.2 & 3 and admits execution of the Settlement Agreement (Annexure P-2).

Besides, learned counsel submits that in the cross-version case, directions for recording the statement regarding the factum of compromise have also been issued by the

Coordinate Bench of this Court today itself, in **CRM-M-30496-2025** (*Gaurav and another v. State of Haryana and others*), for **29.07.2025**.

6. The affected parties are directed to appear before the learned Trial Court/Illaq Magistrate, on or before **07.07.2025**, for getting their respective statements recorded with regard to the compromise. Thereupon, the concerned Court shall submit a detailed report, containing the information on the following points, along with copies of the statements to this Court, on or before the adjourned date:-

Sr. No.	Information required
I.	Total number of persons found involved as accused in the dispute/FIR
II.	Number of complainant/victim(s)
III.	Whether all the accused and complainant / victims are party to compromise & signed the same
IV.	In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof; OR
	His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person
V.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication
VI.	Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence
VII.	Any other aspect relevant to the present case.

7. To come up on **29.07.2025**, awaiting report.
8. Reply by the respondent-State, if any, be filed on or before the next date of hearing.

To be heard along with CRM-M-30496-2025. ”



3. Pursuant to the aforesaid order, report dated 23.07.2025 from Additional Chief Judicial Magistrate, Gurugram has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1). As per the statement of Investigating Officer, two persons namely (i). Yogesh son of Shri Rajender Singh, resident of Company M/s White Hat Junior, Sector-17/18, Gurugram and (ii). Mukul son of Shri Rajesh Dahiya, resident of Dhanwapur, Rajendra Park, Gurugram are involved in this FIR.

2). As per the statement of Investigating Officer, one Gaurav son of Shri Ashok Kumar, resident of F-196, SJ Nagar, Sector-21D, Faridabad is the only complainant/victim in the present case FIR.

3). Both the accused persons Yogesh and Mukul and complainant Gaurav have made their statement(s) and appended their signatures on the same.

4). As per statement of investigating officer, there is no other affected person except the above-named accused persons and complainant nor left out in the present case.

5). As per statement of investigating officer, none of both the accused persons have been declared proclaimed offender(s)/person(s) nor any such proceedings have been initiated or pending against them

6). As per the statements of the accused namely, Yogesh and Mukul and complainant Gaurav, the compromise is genuine, voluntary and without any coercion or undue influence;

7). As per the record, challan has been filed in the Court and currently the case is fixed for 14.08.2025 for consideration on the point of framing of charge.”

4. Learned counsel for respondent Nos.2 and 3 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the settlement (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to



quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021).*** The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

- (a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*



- (f) *Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) *While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS,2023 to quash the FIR as :-

- (i) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition.*

9. Consequently, the petition is allowed. FIR No.0301 dated 25.11.2022 under Sections 323, 34, 427, 325 and 506 of IPC, registered at Police Station, Sector 17/18 Gurugram and all consequential proceedings arising therefrom on the basis of settlement dated 25.04.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.



10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 29, 2025
jatin

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