

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

2025:PHHC:111620



(288)

CRM-M-31526-2025

Date of decision: 25.08.2025

Pawan @ Pawan Kumar

....Petitioner

V/s

State of Haryana & another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Aman Yadav, Advocate, for the petitioner.

Mr.Vishal Singh, AAG, Haryana.

Mr.Rahul Sangwan, Advocate, for respondent No.2.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under under Section 482 Cr.P.C./ Section 528 of BNSS, 2023 for quashing of FIR No.007 dated 12.01.2024 under Section 354-D of IPC and (Sections 66-E & 67-A of IT Act, 2000 were added during investigation and Section 354-D was deleted during framing of charges), registered at Police Station Women Police Station, Rewari, District Rewari and all consequential proceedings arising therefrom on the basis of compromise dated 01.03.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 01.07.2025, the following order was passed:

“This is a petition filed under Section 528 of B.N.S.S for quashing of FIR No.007, dated 12.01.2024, registered under

Sections 354-D of Indian Penal Code, 1860 (subsequently during investigation Sections 66-E & 67-A of IT Act, 2000 were added and Section 354-D is deleted during framing of charges), Police Station Women Police Station, Rewari, District Rewari and all subsequent proceedings arising therefrom on the basis of compromise dated 01.03.2025 (Annexure P-2).

Notice of motion for 25.08.2025.

On asking of the Court, Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1 and Mr. Kartik, Advocate accepts notice on behalf of respondent No.2, by filing his Vakalatnama, which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Total number and names of persons arrayed as accused.*
- 2. Whether the present petition has been filed by all the accused?*
- 3. Whether any accused is proclaimed offender?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused persons are involved in any other FIR or not? (mention complete details of FIR, if involved)*
- 6. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*
- 7. Whether all the victims/injured/complainants have been impleaded as respondents in the present petition?"*

3. Pursuant to the aforesaid order, report from Judicial Magistrate, 1st Class, Rewari has been received, which is taken on record.

As per the report, the Trial Court has recorded as follows:-

“1. Vide order dated 01.07.2025 passed by Hon'ble Justice Sh. N.S. Shekhawat, Judge, Punjab & Haryana High Court in CRM-M No. 31526-2025, the undersigned was directed to record the statements of the parties with regard to compromise and to submit a report alongwith statements of parties on or before the next date of hearing.

2. Application for put up file and to record the statements of parties with regard to compromise were moved before the court on 03.07.2025 and thereafter. notices to accused as well as complainant through IO and IO were issued for 08.07.2025. In pursuance of notice, complainant, accused and IO appeared before the court on 08.07.2025 for getting their statements recorded and thereafter, their statement have been recorded. All the parties appeared before the court for getting their statements recorded on 08.07.2025 were questioned generally so as to determine their voluntariness and free will for getting the statements recorded. Thereafter, on being satisfied that the parties are willing to get their statements recorded voluntarily and with their free will and consent and without any coercion or pressure of any kind, the statements of the parties i.e. the complainant Sharmila @Sharmila Devi on one hand and the accused person namely Pawan @ Pawan Kumar S/o Sh. Davender Singh on the other hand were recorded by the undersigned. The abovenamed parties vide their separate identified statements submitted before the undersigned that they have compromised the matter in dispute. The parties have further submitted that the said compromise has been arrived at without any pressure or coercion from any side and the said compromise has been entered into between the parties with their own free will and consent. It has been further submitted by the complainant that in view of the compromise entered into between the parties she has no objection in quashing of F.I.R. against the accused person by the Hon'ble High Court.

3. Besides the above, the Trial Court was also directed to apprise the Hon'ble High Court regarding number of person arrayed as accused in the FIR, whether any accused person is proclaimed offender, whether the compromise is genuine, voluntarily and

without any coercion or undue influence and whether the accused person is not involved in any other FIR, whether petition in Hon'ble High Court filed by all accused, number of complainant/victim arrayed in FIR and whether all victim impleaded in criminal petition. In this regard, notice was issued to the Investigating Officer for submitting report and the Investigating Officer of the present case Insp. Anita Senior Citizen Cell Incharge, CP Office, Gurugram vide his statement dated 08.07.2025 submitted that the present FIR was registered against accused person Pawan @Pawan Kumar. No other person is accused in the aforementioned FIR. Aforementioned accused person is not proclaimed offender. Further, I.O. submitted that all the parties in FIR No. 007 dated 12.01.2024 impleaded in Criminal Petition bearing No. CRM-M-31526-2025 and accused person is not involved in any other case. It was submitted that against accused person namely Pawan @ Pawan Kumar S/o Sh. Davender Singh R/o Ward No.22, Thed Mohalla Sirsa Haryana a case was found to be registered i.e. FIR No. 007 dated 12.01.2024 under Sections 354-D of IPC & 66E & 67-A of IT Act, 2000, P.S. WPS, Rewari. Further, it was submitted that accused person is not involved in any other FIR/Case. There is only one complainant Sharmila @ Sharmila Devi in the present FIR. It was submitted that the criminal petition bearing No.CRM-M-31526-2025 has been filed by the only accused i.e. Pawan @ Pawan Kumar S/o Sh. Davender Singh. It was submitted that the compromise between the parties was effected voluntarily and without any coercion, undue influence and compulsion.

4. The Statements of the parties and the statement of the Investigating Officer Insp. Anita Senior Citizen Cell Incharge, CP Office, Gurugram, in original are hereby forwarded to your honour for your honour's kind perusal. It is pertinent here to mention that the compromise entered into between the present parties appears to be genuine and entered into with their free will and consent and without any fear or pressure of any kind. It is also pertinent here to mention that as per the statement of the Investigating Officer, Insp. Anita Senior Citizen Cell Incharge, CP Office, Gurugram, the

present FIR was registered against accused person Pawan @ Pawan Kumar appeared before the investigating authority. Aforementioned accused person is not proclaimed offender. There is only one complainant Sharmila @ Sharmila Devi in the present FIR.

The report is hereby submitted for your honour's kind perusal and necessary action as your honour may deem fit."

4. Learned counsel for respondent No.2 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 compromise (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.007 dated 14.01.2024 under Section 354-D of IPC and (Sections 66-E & 67-A of IT Act, 2000 were added during investigation and Section 354-D was deleted during framing of charges), registered at Police Station Women Police Station, Rewari, District Rewari and all consequential proceedings arising therefrom, are, hereby quashed, on the basis of compromise dated 01.03.2025 (Annexure P-2) qua the petitioner.

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

(SUMEET GOEL)
JUDGE

August 25, 2025
sailesh

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