

CRM-M-42724-2024 &
CRM-M-42248-2023

2025:PHHC:068022



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 20.05.2025

1. CRM-M-42724-2024

SANJAY GUPTA AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

2. CRM-M-42248-2023

SANJAY GUPTA AND ANOTHER

....Petitioners

Versus

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Yugank Goyal, Advocate
for the petitioner(s). (Through VC).

Mr. Surender Singh Pannu, Additional AG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. This order shall dispose of two petitions i.e. CRM-M-42724-2024 and CRM-M-42248-2023, as the same have emanated out of the same occurrence.

2. CRM-M-42724-2024 titled as Sanjay Gupta and Others Vs. State of Punjab and Another is for quashing of FIR No.47 dated 06.02.1999

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(Annexure P-1), registered under Sections 420, 506 and 120-B IPC, 1860, registered at Police Station City Kaithal, District Kaithal, Haryana, and all the consequential proceedings arising therefrom, on the basis of the compromise dated 26.04.1999 (Annexure P-3), effected between the parties.

3. CRM-M-42248-2023 titled as Sanjay Gupta and Another Vs. Union of India and Others has been filed by the petitioners under Section 482 of CrPC directing the respondents to produce the record of P.O. proceeding vide orders dated 25.04.2003 in FIR No.47 dated 06.02.1999 under Section 420, 506, 120 B IPC PS City Kaithal.

4. In CRM-M-42724-2023, on 28.01.2025 following order was passed;

“1. The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.47 dated 06.02.1999 under Sections 420/506/120-B of IPC, 1860 registered at Police Station City Kaithal, District Kaithal (Annexure P-1), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 26.04.1999 (Annexures P-3), effected between the parties.

2. Learned counsel for the petitioners submits that in the questioned FIR, there are total 03 accused, who all have filed the present petition. On the other side, there is only 01 victim/complainant, who has already been impleaded as respondent No.2, in the present petition. He further submits that parties had amicably resolved their dispute through compromise dated 26.04.1999 (Annexure P-3). Therefore, if proceedings arising from the aforementioned FIR are quashed, all the parties will live their lives peacefully.

3. In compliance of the previous order, status report dated 05.11.2024 has been filed by the State by way of affidavit of Mr. Bir Bhan, Deputy Superintendent of Police, Headquarter, Kaithal which is taken on record. Copy of the same has been supplied to the counsel for the petitioner.

4. Counsel for respondent No.2 admits execution of the compromise (Annexure P-3).

5. The affected parties are directed to appear on 20.02.2025 before the learned Trial Court/Illaq Magistrate, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:-

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- i. *Total number of persons arrayed as accused in the case;*
 - ii. *Whether all the accused and complainant / victims are party to compromise;*
 - iii. *Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;*
 - iv. *Stage of the trial/proceedings; and*
 - v. *Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
6. *To come up on 26.03.2025, awaiting report.”*

5. Again on 26.03.2025, following order was passed;

“Counsel for the petitioner(s) regrets and expresses his apology by submitting that despite staying of the operation of the PO order dated 25.04.2023 in CRM-M-42248-2023, none of the petitioners could make themselves available for recording of the statement. It is further submitted that actually petitioners No.1 and 2 are residing abroad since decades and, therefore, could never join the proceedings. However, he submits that if one last opportunity is granted to get the statements recorded through video conferencing (VC), even subject to the payment of some cost, he assures of recording of the statement this time.

Considering the plea of petitioners’ counsel, request is accepted. Parties are directed to get their statements recorded by appearing in person before the Court concerned or through video conferencing (VC), subject to the confirmation of the identity of such persons.

It would not be out of place to notice here that as per the report dated 18.02.2025, received from the Court of Chief Judicial Magistrate, Kaithal, there are only two accused i.e. Sanjay Gupta and Vijay Gupta. Therefore, recording of statement of third petitioner, namely, Neeta Gupta would not be of any material effect to consider the prayer of the petitioner.

Parties are directed to appear before the learned trial Court/Illaq Magistrate on 25.04.2025 or on any other date convenient to the Court, for getting his statement recorded with regard to the compromise.

Let the required statement be recorded in the manner stated hereinabove.



However, this order shall be subject to the payment of Rs.25,000/- (to be deposited by each of the petitioner) as costs, in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

For awaiting report, adjourned to 20.05.2025.

Photocopy of this order be placed on the file of connected case.”

6. Vide order dated 26.03.2025, the affected parties were directed to appear before the learned Trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

7. Pursuant to the aforementioned order, the parties appeared before the Court of Chief Judicial Magistrate, and as per report dated 01.05.2025, submitted to this Court, both the parties have got recorded their respective statements in Court. From the report received from the learned Court below, the following is discernible:-

Sr. No.	Description	
1.	Total number of persons found involved as accused in the dispute/FIR	03 (Challan presented against two only)
2.	Number of complainant/victim(s)	01
3.	Whether all the accused and complainant / victims are party to compromise & signed the same	Yes
4.	In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court,	No



	detail whereof; OR	
	His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person	No
5.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication	Yes
6.	Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence	No
7.	Any other aspect relevant to the present case.	None

8. Learned counsel for the petitioner(s) submits that in view of the report received from the learned Court Below, it is evident that the matter has been resolved and private parties have effected a compromise, and there remains no dispute amongst them requiring any adjudication. Further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law, and the same may be quashed.

9. Learned State counsel as also learned counsel for private respondent(s), after going through the statements and the report received from learned Court below, very fairly admit that the private parties have resolved their dispute and effected a compromise and that they have no objection if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

10. Through catena of judgments, Hon’ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various



principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

- *Power under Section 482 Cr.P.C./Section 528 BNSS can be exercised to enhance social amity, and to reduce friction.*
- *Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 528 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.*
- *There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C./Section 528 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".*
- *No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 528 of the BNSS.*
- *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.*
- *High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.*
- *Power under Section 482 Cr.P.C./Section 528 BNSS is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court.*
- *Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.*
- *The exercise of power has to be with circumspection and restraint.*
- *The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.*



- *The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.*
- *Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*
- *Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.*

In this regard, judgments cited are:

1. Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);
2. Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);
3. Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and
4. Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]

11. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise, so effected between the private parties.

12. The report alongwith statements of the affected parties received from learned Court below would reveal that the complainant/victim person(s) has genuinely effected a compromise with the petitioners and he has no objection, if the impugned FIR and consequential proceedings are quashed.

13. Keeping in view the totality of the facts and circumstances of the

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case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, CRM-M-42724-2024 is hereby accepted and FIR No.47 dated 06.02.1999 (Annexure P-1), registered under Sections 420, 506 and 120-B IPC, 1860, registered at Police Station City Kaithal, District Kaithal, Haryana, and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners, in view of compromise dated 26.04.1999 (Annexure P-3).

14. Since the proceedings has already been quashed in CRM-M-42724-2024 is hereby accepted and FIR No.47 dated 06.02.1999 (Annexure P-1), registered under Sections 420, 506 and 120-B IPC, 1860, registered at Police Station City Kaithal, District Kaithal, Haryana on the basis of compromise, there is no necessity to pass any separate order in CRM-M-42248-2023.

15. Hence both the petitions stand disposed of.

16. A photocopy of this order be placed on the file of the connected case.

**(SANJAY VASHISTH)
JUDGE**

20.05.2025
poonam

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