2025:PHHC:148351

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

281

CRM-M-42014-2024 (O&M)
Date of Decision: 29.10.2025

SONU AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yashdeep Nain, Advocate for the petitioners (Through VC).

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Lakshay Yadav, Advocate for respondent Nos.2 to 7.

*****

RUPINDERJIT CHAHAL, J (ORAL)

1. This is a petition filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing of FIR No. 223 dated 12.06.2023 registered under Sections 148, 149, 307, 323, 325, 506 IPC and Section 25 of Arms Act at Police Station Sonipat Sadar, District Sonipat (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise/settlement dated 05.08.2024 (Annexure P-6).

2. This Court vide order dated 25.09.2025 had directed the parties to appear before the Illaqa/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the Judicial Magistrate Ist Class, Sonepat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.10.2025 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

4. Learned State counsel as well as counsel for respondent Nos.2 to 7 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. The Hon'ble Supreme Court of India has held in the matter of ***"Narinder Singh Vs. State of Punjab"2014(2) RCR (Criminal) 482*** as follows:-

> *"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings :*
>
> *(I) Power conferred under section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*
>
> *(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure :*
>
> *(i) ends of justice, or*
>
> *(ii) to prevent abuse of the process of any Court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.*
>
> *(III) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are*

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

(VI) Offences under Section 307 I.P.C. would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 I.P.C. in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 I.P.C. is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 I.P.C. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. <u>At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.</u>

(VII) While deciding whether to exercise its power under section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 I.P.C. is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 I.P.C. and conviction is already recorded of a heinous crime and,

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

therefore, there is no question of sparing a convict found guilty of such a crime."

7. While considering the issue regarding quashing of the FIR under Section 109 of BNS, 2023 (Section 307 of erstwhile IPC) on the basis of compromise, the Hon'ble Supreme Court held in the matter of ***"State of Madhya Pradesh Vs. Laxmi Narayan; 2019 AIR (SC) 1296*** as follows:-

"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under section 307 IPC and/or the

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

8. Keeping in view the above stated principles of law, now I would advert to the facts of the present case and the pleadings of the parties.

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document

9. In the present case, the complainant and accused are residents of same village. A dispute arose between both the parties due to some misunderstanding, which now stands resolved and the matter has been compromised with the intervention of respectables. Apart from that, both the sides had not only buried their hatchet and even, in view of the compromise between the parties, there are minimal chances of the witnesses coming forward to depose before the Court. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

10. Hence, this Court is of the considered opinion that the continuation of the proceedings in the present case would be an abuse of the process of Court. As a consequence, the present petition is accepted and the criminal proceedings arising out of FIR No. 223 dated 12.06.2023 registered under Sections 148, 149, 307, 323, 325, 506 IPC and Section 25 of Arms Act at Police Station Sonipat Sadar, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 05.08.2024 (Annexure P-6) are quashed.

11. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

29.10.2025
Mohit Bishnoi

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

MOHIT
2025.11.01 10:37
I attest to the accuracy and
integrity of this document