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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:176441



CRM-M-45276-2025 (O&M)
Date of decision: 19.12.2025.

ANIKET PALIWAL AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Nidhi, Advocate,
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Ms. Prabhjot Kaur, Advocate, for
Ms. Gurpreet Kaur, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.384 dated
12.11.2022, for offences under Section(s) 147, 148, 323, 354, 379, 427, 452
and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act,
registered at Police Station Sector 14, District Gurugram (Annexure P-1)

along with all proceedings arising therefrom, on the basis of compromise dated 28.05.2025 (Annexure P-2).

2 The aforesaid FIR was registered on the statement of Satbir Singh son of Risal Singh, resident of Rajiv Nagar which is extracted as under: -

"I am Satbir Singh S/O Risal Singh, resident of Rajiv Nagar. On dated 9/11/2022, my son Deepak Sahu was coming home after closing the office at around 10.30 pm, when 5-6 miscreants came to the house chasing him from Shiv Chowk temple. When Deepak got down from the car, all the miscreants threw him down and started beating him badly. One miscreant pressed his neck and sat on Deepak's chest. When there was a commotion, his mother came out and tried to rescue him, but they beat her too and tore her clothes and her body was also injured. They started misbehaving with my body. I also woke up hearing the noise. When I came out, the miscreants ran away after snatching the gold chain of Deepak and his mother. I also chased them. After 10 to 15 minutes, the same miscreants called 20 to 25 more miscreants and we called the police on 112. The miscreants broke the lock of the street gate and badly damaged the vehicles parked outside the house. The miscreants had brought sticks, revolvers and knives with them. They started threatening to kill us by showing the weapons and broke the gate of our house with the street tiles lying outside. When we called the police, they ran away waving revolvers, sticks and swords in the air. People who saw the whole fight took photos on their mobile phones. Our family is in shock after seeing this entire incident. The miscreants were saying that they are from Gungaon village and when they got to know about the police, they ran away and left behind one of their motorcycles whose registration number is HR 26DR 4345. Hence you are requested to take the strictest action against these miscreants.

We would be highly grateful to you. Applicant Satbir Singh Sahu, House No. 1923/3 Rajiv Nagar, Phone No. 9718706161.”

3 It is, however, averred that with the intervention of the respectable from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was affected on account of free will and without any pressure or coercion. Hence, the present petition.

4. Therefore, the parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 20.08.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5. Pursuant to the said order, a report has been received from the Judicial Magistrate First Class, Gurugram, vide Memo No.387 dated 03.10.2025. The relevant extract of the report is reproduced as under:-

“Accordingly, as per record, the information with regard to points mentioned above, as desired by the Hon'ble High Court is as under:

- 1. There are only 7 accused persons (Lakshay Kataria, Aniket Paliwal, Rishabh Paliwal, Ravi Kumar, Rahul Singh, Vikram Kataria, Harsh) who are arrayed as accused in present FIR.*
- 2. As per the statement of IO, no person in the present case has been declared as PO.*
- 3. The compromise between the complainant (Satbir Singh. Deepak Sahu and Smt. Urmila Devi) and accused persons, namely Lakshay Kataria, Aniket Paliwal, Rishabh Paliwal, Ravi Kumar, Rahul Singh, Vikram Kataria and Harsh is genuine, and valid and not result of any coercion or undue*

influence.

4. *As per the statement of IO no other case is pending against the accused persons namely Lakshay Kataria, Aniket Paliwal, Rishabh Paliwal, Ravi Kumar, Rahul Singh and Harsh and one case bearing FIR No. 575 dated 24.12.2018 under Sections 188, 506 IPC registered at PS Sector-14, Gurugram is pending against accused Vikram Kataria.*

5.&6. *As per the direction of Hon'ble High Court the statement of IO, was also recorded on dated 01.10.2025 and as per statement of IO, there are only three complainants/victims i.e., Satbir Singh, Deepak Sahu and Smt. Urmila Devi in the present matter and statement of all these complainants/victims have been recorded and there are only seven accused i.e. Lakshay Kataria, Aniket Paliwal, Rishabh Paliwal, Ravi Kumar, Rahul Singh, Vikram Kataria and Harsh and the statement of these accused persons have also been recorded.*

It is most humbly submitted that cost of Rs. 25.000/- as imposed by Hon'ble High Court VOD 20.08.2025 has been deposited by accused Aniket Paliwal in Society for Day Care Centre for Elderly Disabled in home for Old and Destitute People, Sector-15, Chandigarh and receipt has been placed on the case file along with the application.”

5 Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

6 Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7 The broad principles for exercising the powers under Section

482, Cr.P.C (now Section 528 BNSS) were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641'. The relevant paragraphs are extracted as under:

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is noncompoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High

Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

8 The Hon'ble Supreme Court has held in the matter of 'Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

9 The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS:-

(i) A mutual settlement has been reached between the parties and the first party does not want to take any legal action against the second party.

(ii) The petitioners are in the age bracket of 20 to 35 years and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation and at their workplace.

(iii) Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no longer public purpose and only result in futile expenditure of judicial time.

(iv) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

10 In view of the report of the Judicial Magistrate First Class, Gurugram and the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No.384 dated 12.11.2022, under Section(s) 147, 148, 323, 354, 379, 427, 452 and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station Sector 14, District Gurugram, along with all the subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 28.05.2025 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

December 19, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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