



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

CRM-M No.46008 of 2024 (O&M)

Date of decision: 11th March, 2025

Neeraj & others

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashveer Kharb, Advocate for the petitioners.

Mr. Arun Singla, Asst. Advocate General, Haryana
for the respondent/State.

Mr. Nitin Kadian, Advocate for

Mr. Vishal Yadav, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J.

1. The petitioners have sought quashing of FIR No.360 dated 19.10.2021 under Sections 25, 54, 59 of the Arms Act, 1959 and sections 148, 149, 201, 307, 379-B and 395 of the IPC registered at Police Station Sector 6, Bahadurgarh, District Jhajjar.

2. Learned counsel for the petitioners has submitted that subsequent to the lodging of the FIR (Annexure P-1), with the intervention of respectable members of Society, the parties have amicably resolved their disputes and have decided to put an end to the criminal proceedings. It is contended that, in the light of the said

compromise (Annexure P-3), continuation of the criminal proceedings would serve no useful purpose and would amount to a futile exercise.

3. Learned counsel for respondent No.2 (complainant) has not disputed the factum of compromise and has further submitted that he does not oppose the prayer for quashing of the FIR in question.

4. Status report by way of an affidavit of Rajender Singh, HPS, ACP Bahadurgarh, District Jhajjar, has been filed today in the Court, which is taken on record subject to all just exceptions, and a copy thereof supplied to the counsel opposite.

5. Learned State counsel has vehemently opposed the prayer and submissions made on behalf of the petitioners. It is submitted that the petitioners, particularly petitioner No.5, Deepak, have a history of criminal antecedents, with multiple FIRs registered against them. In particular, it is contended that petitioner No.5 is involved in as many as five other criminal cases, including cases of a similar nature, while petitioner No.7, Nishu Dalal and petitioner No.8, Deepanshu are each involved in one additional FIR.

6. Learned State counsel has further argued that, given the criminal antecedents of the petitioners, the possibility of coercion or undue influence being exerted upon respondent No.2 to withdraw the FIR cannot be ruled out. It is further submitted that in light of the judicial pronouncements of the Hon'ble Supreme Court, particularly in '**State of MP vs. Luxmi Narayan and others**' 2019 (5) SCC 688, the

antecedents of the accused must be taken into account while considering the quashing of criminal proceedings on the basis of compromise.

7. A specific query was put to learned counsel for the petitioners regarding how the FIR in question could be quashed in the face of the criminal antecedents of petitioner No.5, Deepak. In response, learned counsel has submitted, in the alternative, that the FIR may be quashed to the exclusion of petitioner No.5, thereby extending the benefit of compromise to the remaining accused persons/petitioners.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. It is well settled that in cases involving offences that are private in nature and do not have a serious impact on society, courts should not hesitate to exercise their inherent jurisdiction under Section 528 of BNSS to quash criminal proceedings if the parties have amicably settled their disputes. However, the exercise of such jurisdiction is discretionary and must be guided by the principles enunciated by the Hon'ble Supreme Court in its various pronouncements. The Hon'ble Supreme Court in **Luxmi Narayan's case (supra)**, has categorically held that while exercising jurisdiction under Section 482 Cr.P.C., Courts are required to consider the antecedents of the accused, including their criminal antecedents, their conduct during proceedings, and the circumstances under which the compromise has been reached. The relevant portion of the observations of the Hon'ble Supreme Court reads as under:

“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:

XXXX XXXX XXXX
XXXX XXXX XXXX

(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.”

10. Further, in **‘P. Dharamaraj vs. Shanmugam & others’** CRA 1514 of 2022, the Hon'ble Supreme Court has cautioned against the mechanical quashing of criminal proceedings merely on the basis of a settlement between the parties, particularly when the offences in question have wider ramifications, The relevant observations are as follows:

“42. Thus it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.PC or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the

offences are capable of having an impact not merely on the complainant and the accused but also on others.”

11. Adverting to the instant case, a perusal of the affidavit filed by the State reveals that the petitioners, particularly petitioner No.5 Deepak, have not approached this Court with clean hands, as they have withheld material information regarding their criminal antecedents. The existence of multiple pending cases against petitioner No.5, including those of a similar nature, casts a serious doubt on the bona fides on the compromise and raises concerns regarding the potential misuse of the judicial process.

12. As regards the alternative submission of learned counsel for the petitioners, seeking partial quashing of the FIR to the exclusion of petitioner No.5, it is pertinent to refer to the decision of the Division Bench of this Court in **‘Rakesh Das vs. State of Haryana’ CRM-M No.48043 of 2023 d/d 12.11.2024**, wherein it has been unequivocally held that an FIR cannot be partially quashed on the basis of a compromise if the allegations against one or more accused persons remain unresolved. The relevant observations are as follows:

“15. An incisive reading of the facts set-forth therein, wherein, all the principles (supra) become settled, but do not suggest that the said principles became erected, even when a partial compromise became arrived at amongst the concerned, and/or when no composite compromise became arrived at amongst all concerned, nor also but obviously the plenitude of jurisdiction preserved in the High Courts

under Section 482 Cr.P.C., became expositied therein, to be available to become well recoured, even when the concerned make only a piecemeal compromise, inasmuch as, to the extent that some of the offenders are omitted to be mentioned in the settlement as becomes drawn, and/or even when some of the aggrieved from the offending act of the offender(s) are not included in the said made settlement.

16. In consequence, if the learned Single Benches of this Court after receiving a piecemeal settlement, did proceed to record a piecemeal order of composition of offence(s), besides made orders for the quashing of the verdicts of conviction drawn against the concerned, by the learned trial Judge concerned, whereagainst thus subjudice appeal(s) become instituted before the learned Appellate Court concerned, but basing them on the judgments (supra), are so made, thus without a careful and insightful reading(s) being made, both to the facts set-forth in the verdicts (supra), and, of the guidelines (supra) erected thereons.

17. Consequently, the views taken by the learned Single Benches of 20 of 27 Neutral Citation No:=2024:PHHC:147654-DB other connected cases this Court, based upon the judgments (supra) whereby they proceeded to receive piecemeal settlements drawn amongst the concerned, and, also proceeded to record a piecemeal order of composition, are prima facie made outside the contours of the guidelines spelt in the verdicts (supra). In consequence, the view(s) taken in the said verdicts, thus is per incuriam, the expostulations of law (supra), thereby the said adopted view(s), thus to the considered mind of this

Court, but require(s) to be hereafter not become adopted by the learned Single Benches of this Court.”

13. In view of the foregoing discussion, particularly considering the criminal antecedents of petitioner No.5, Deepak, and the authoritative pronouncements of the Hon'ble Supreme Court and this Court, this Court is of the firm opinion that the present case does not warrant the exercise of inherent jurisdiction under Section 528 of BNSS to quash the FIR in question. Accordingly, the present petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 11, 2025
rps

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