



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

145

CRM-M-45343-2025

BHARAT SINGH

...PETITIONERS

V/s

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Date of decision: 04.12.2025

Date of Uploading:04.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajay Vijarania, Advocate for the petitioner.

Mr. Tarun Aggarwal, Addl. AG, Haryana.

Mr. Sanjeev Kumar, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.329 dated 29.08.2018 under Section 67 of Information Technology Act, 2000 and 292 of IPC, registered at Police Station Dadri City, District Charkhi Dadri, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 28.05.2025 (Annexure P-3), which is stated to have been effected between the parties.

2 On 21.08.2025, the following order was passed:

“The Prayer in this petition under Section 528 of BNSS is for the quashing of the FIR No.329 dated 29.08.2018 under Sections 67 of Information Technology Act, 2000 and 292 of IPC registered at P.S. Dadri City, District Charkhi Dadri, Haryana and all other consequential proceedings arising therefrom, on the basis of compromise dated 10.01.2019 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 10.01.2019 (Annexure P-2) according to which, both the parties have agreed not to proceed further with the FIR in question. Notice of motion.



Mr. Viney Phogat, Deputy Advocate General, Haryana accepts notice on behalf of respondent no.1-State of Haryana whereas Mr. Sanjeev Kumar, Advocate accepts notice on behalf of respondent no.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which, complainant does not wish to press the allegations alleged in the complaint any further. Adjourned to 03.12.2025.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements upto 30.09.2025 with regard to the compromise dated 10.01.2019 (Annexure P-2) by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

The petitioner shall deposit a cost of Rs.25,000/- with the Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate."

3. Pursuant to the aforesaid order, report dated 15.09.2025 from Judicial Magistrate, Ist Class, Charkhi Dadri, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"(1) As per the report of ASI Kuldeep, Belt No. 34/DDR Investigating Officer, only one accused namely Bharat Singh S/o Vinod Kumar, R/o Kanina, Mahendergarh, Haryana has been arrayed in the FIR.

(ii) As per the report of ASI Kuldeep, Belt No. 34/DDR, Investigating Officer the accused Bharat Singh S/o Vinod Kumar, R/o Kanina, Mahendergarh, Haryana is not a proclaimed offender.

(iii) As per the statement of victim/complainant Deepak Rohilla S/o Vinod Rohilla R/o Ward no. 20, Charkhi Dadri and accused Bharat Singh S/o Vinod Kumar, R/o Kanina, Mahendergarh, Haryana their compromise is genuine, voluntarily and without any coercion and undue influence.

(iv) As per the report of ASI Kuldeep, Belt No. 34/DDR, Investigating Officer, the accused Bharat Singh S/o Vinod Kumar, R/o Kanina, Mahendergarh, Haryana has not been involved in any other case.

(v) ASI Kuldeep, Belt No. 34/DDR, Investigating Officer, appeared before the court and suffered a statement in writing to the effect that there is only one victim/complainant Deepak Rohilla S/o Vinod Rohilla. The only accused in the FIR is Bharat Singh S/o Vinod Kumar. All victim/complainant and accused are parties to the compromise in question.

(vi) The accused has also placed on record the receipt of cost of Rs. 25,000/- deposited with Spinal Rehab Centre, Chandigarh Plot no.1, Madhya Marg, Sector 28-A, Chandigarh. "



4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-3).

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.329 dated 29.08.2018 under Section 67 of Information Technology Act, 2000 and 292 of IPC, registered at Police Station Dadri City, District Charkhi Dadri, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 28.05.2025 (Annexure P-3), are, hereby, quashed qua the petitioner.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

04.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No