



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

305

CRM-M-47167-2025
Date of decision: 10.12.2025

RAJEEV KUMARPetitioner

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Ms. Neha Jain, Advocate
for the petitioners.

Ms. Geeta Rani, AAG, Haryana.

Mr. Chetan Sharma, Advocate and
Mr. Arvind K. Bangar, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)s

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of criminal complaint bearing No. 1041 of 2013 dated 06.10.2012, under Section(s) 193, 465, 467, 468, 471 read with Section 120-B of the Indian Penal Code, 1860, along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.08.2025 (Annexure P-5).

2. Briefly summarized, the facts of the present case are that the respondent-complainant Prabh Saran Singh Chadha is the owner in possession of Industrial Plot No.317, Industrial Area Phase-II, Panchkula.

The petitioner entered into an agreement dated 15.12.2004 for the purchase of the above-mentioned plot from the respondent-complainant. The dispute arose between the parties regarding the compliance of the terms and conditions of the agreement to sell dated 15.12.2004. The respondent-complainant filed a civil suit No.160 of 2005, seeking a declaration to the effect that the agreement to sell be declared null and void. In response, the petitioner filed a counterclaim. Vide judgment dated 13.01.2012, the Trial Court dismissed the suit by the respondent-complainant and directed him to refund the earnest money of Rs.25 lakh along with interest @ 18% to the petitioner. However, the counterclaim by the petitioner was also dismissed. Aggrieved thereof, both the petitioner as well as the respondent-complainant filed appeals before the lower Appellate Court. The lower Appellate Court vide its judgment dated 22.03.2017, allowed the appeal filed by the respondent-complainant and dismissed the appeal of the petitioner herein. Further aggrieved, the petitioner filed RSA-6121-2017 and RSA-4519-2017 before this Court and this Court vide judgment dated 02.07.2025, directed the respondent-complainant to refund the amount of Rs. 25 lakh to the petitioner, along with interest @ 9% per annum from the date of filing of the suit before the Trial Court till the order dated 02.07.2025 and further interest @ 6% on the amount of Rs. 25 lakh from 02.07.2025 till its actual realization.

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

Hence, the present petition.

4. Pursuant to the order dated 27.08.2025, a report has been received from the Judicial Magistrate 1st Class, Panchkula vide Memo No. 819 dated 23.10.2025. The relevant extract of the report reads thus:-

“(i) As per report of police, in the present complaint there is only two accused namely Rajeev Kumar & Ramesh Chander. One accused namely Ramesh Chander has been expired on 18.07.2016.

(ii) As per report of police there is only one complainant/victim namely Prabh Saran Singh Chadha.

(iii) As per report of I.O., both the parties were appeared and gave their statement regarding compromise and signed the same.

(iv) As per report of police, there is no other party left in this case.

(v) As per report of police, accused has never been declared is an proclaimed offender/person in this case and no other criminal case is pending against the accused.

(vi) As per the statements of the parties, the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence.

(vii) No other relevant aspect were left in this case.

5. Learned counsel for the petitioner contends that in the meanwhile, the petitioner had been convicted by the Judicial Magistrate 1st Class, Panchkula, in the original complaint bearing No. 1041 of 2013, vide judgment dated 28.10.2022 and sentenced under Section 193, 465, 467, 468

and 471 of IPC read with Section 120-B IPC. An appeal against the said judgment of conviction is stated to be pending before the Court of Sessions, Panchkula. Counsel for the petitioner prays that the said judgment passed by the Judicial Magistrate 1st Class, Panchkula, be also set aside, along with the impugned FIR, in light of the compromise arrived at between the parties.

6. 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.

7. Mr. Chetan Sharma, Advocate and Mr. Arvind K. Bangar, Advocate, appear on behalf of respondent No. 2 and file their power of attorney in the Court today and the same is taken on record. They reiterate the settlement and their concurrence to the quashing of the complaint, along with all the other consequential proceedings.

8. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure 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**' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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 non-compoundable.

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.

9. The Hon'ble Supreme Court has held in '**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.

10. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. The complaint in question emanated from a civil dispute amongst the parties regarding the sale of an industrial plot.
- b. It is established from the report of Judicial Magistrate First Class, Panchkula that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- c. The petitioner is nearly 62 years of age and continued incarceration in a criminal case will cause severe repercussions to the petitioner in discharge of their social obligation.
- d. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- e. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

In view of the report submitted by the Judicial

Magistrate First Class, Panchkula and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The aforesaid criminal complaint bearing No. 1041 of 2013 dated 06.10.2012, under Section(s) 193, 465, 467, 468, 471 read with Section 120-B of the Indian Penal Code, 1860, along with all subsequent proceedings arising therefrom, **are hereby quashed** in view of the compromise dated 07.08.2025 (Annexure P-5). The judgment dated 28.10.2022 passed by the Judicial Magistrate 1st Class, Panchkula, is accordingly set aside. However, the same would be subject to payment of costs of **Rs.50,000/-** to be deposited by each of the petitioners with the ***“DHFWS SKS USERFEES CS OFFICE, PKL, Account No. 50100189689492, HDFC0004832, HDFC Bank, Sector-6, Panchkula”***, **within** a period of two months of receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 10, 2025
Vishal Sharma

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