



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

**CRM-M-51148-2024 (O&M)
Date of decision: 13.01.2025**

Ashwani Narang and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Yagsimant Attri, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Vaibhav Bhargav, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No.444 dated 05.11.2022 (P-1), under Sections 406, 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Cheeka, District Kaithal along with all consequential proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 18.09.2024 (P-2).

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(2) Above FIR was registered by respondent No.2-Rajesh Sharma @ Rajesh Kumar with the allegations that petitioners in connivance with each other sold some chunk of land, measuring 5 Marlas 2 Sarsai to two persons with an intention to cheat him.

(3) The Coordinate Bench, while issuing notice of motion on 18.10.2024, passed the following order:-

“The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of FIR No.444 dated 5.11.2022 under Sections 406/420/120-B of the Indian Penal Code, 1860 registered at Police Station Cheeka, District Kaithal (Haryana) and all the consequent proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 18.09.2024 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise dated 18.09.2024 has been appended with the present petition as Annexure P-2.

Notice of motion.

Mr. Vaibhav Bhargava, Advocate has put in appearance on behalf of respondent No.2 and submits that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that the respondent has no objection if the aforesaid FIR is quashed.

I have heard the learned counsel for the parties and have gone through the paper book.

The Apex Court in the case of Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303] has held as under :

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“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such

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offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

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In view of the above cited judgment of Hon'ble Apex Court, this Court considers that it would be unfair and contrary to the interest of justice to continue with the criminal proceeding despite compromise between the parties.

List on 17.12.2024

Meanwhile, the parties are directed to appear before the concerned CJM/Illaqa Magistrate/Trial Court on 27.11.2024 or on any other date convenient to the Court, for recording of their statements. The CJM/Illaqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 18.09.2024 (Annexure P 2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

(4) In terms of aforesaid order, statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Guhla, District Kaithal and submitted a report dated 07.12.2024. The operative part of the same reads as under:-

“(i) In view of the statement made by complainant and accused, in the opinion of this court, the compromise dated 18.09.2024 seems (sic – seems) to be genuine and not a

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result of any undue influence, coercion or pressure of any kind.

(ii) No criminal case is pending against any of the accused. However, two FIRs bearing No. 199 dated 13.11.2005, P.S. Kurukshetra and another FIR No. 08 dated 08.01.2007, PS City, Thanesar were registered against complainant Rajesh Sharma alias Rajesh Kumar in both of which he has been acquitted.

(iii) Neither of the parties has been declared as proclaimed offender in any case.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent No.2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions from the police official concerned, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent No.2 has acknowledged the compromise effected between the parties i.e. petitioners as well as respondent No.2.

(8) Hon’ble the Supreme Court in ‘**Gian Singh Versus State of Punjab**’, (2012) 10 SCC 303, has held as under:-

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“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused



to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

(9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. Thus, quashing of FIR in question along with consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

Pending application(s), if any, shall also stand disposed off.

13th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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