

2025:PHHC:150477



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-48166-2025
Date of decision: 31.10.2025

SURESH DALAL @ SURESH DEVI AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Devinder Pratap Singh, Advocate
for the petitioners.

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

Ms. Priyanka Sharma, Advocate
for respondent No.2.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.0077 dated 04.03.2025 under Sections 120-B, 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Jind Sadar, District Jind along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. Learned counsel for the petitioners submits that the FIR in question has been registered on the statement of respondent No.2 in which certain allegations were levelled against the petitioners regarding cheating

and defrauding the complainant and other members of the society and also that they forged the signatures of the complainant as well as forged the proceedings book of the society, causing huge loss to the complainant. However, with the intervention of the respectables from both the sides, the matter has 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.

3. Pursuant to the order dated 29.08.2025, report has been received from the Additional Chief Judicial Magistrate, Jind vide Memo No. 379 dated 01.10.2025. The relevant extract of the report reads thus:-

“1. As per the statement of IO/ASI Rajesh Kumar, in the present FIR there are thirteen accused namely Devender, Suresh Dalal @ Suresh Devi, Parbhat, Tekram, Bimla Devi, Ajay Kumar, Suman, Pawan Sura, Pawan Barala, Pooja Barala, Amit Kumar, Mukesh and Jitender.

2. In the present matter there is only complainant/victim namely Neha Sharma.

3. Yes, all the accused and complainant/victim are party to compromise and signed the same.

4. All the accused and complainant/victim have been arrayed as party in the quashing petition before the Hon'ble Punjab & Haryana High Court, Chandigarh.

5. The statement of ASI Rajesh Kumar was recorded. As per statement of I.O. accused Sudesh Dalal was involved in another case bearing FIR No. 343 of 2018 P.S. Civil Lines and the same has been quashed and no other case is registered against any of the accused and no accused has been declared the proclaimed offender.

6. After recording the statements of both the parties, it appears that the compromise is genuine, voluntary and out of free will of

parties.

7. *There is no other aspect relevant to the present case.*

The parties have been duly identified by their counsels. Statement suffered by the complainant Neha Sharma, statement of accused Devender and joint statement of accused Suresh Dalal @ Suresh Devi, Parbhat, Tekram, Bimla Devi, Ajay Kumar, Suman, Pawan Sura, Pawan Barala, Pooja Barala, Amit Kumar, Mukesh and Jitender as desired by Hon'ble High Court as well as statement of I.O. ASI Rajesh Kumar are annexed herewith."

4. A perusal of the aforesaid report shows that compromise has been effected voluntarily between the parties and is genuine and without coercion or any undue pressure.

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. Ms. Priyanka Sharma, Advocate appears on behalf of respondent No. 2 (Through Video Conferencing) and reiterates the settlement and her concurrence to the FIR and all the other consequential proceedings being quashed.

7. The Full Bench of this Court in the matter of "***Kulwinder Singh and others versus State of Punjab and another***" reported as (***Punjab and Haryana High Court***) : 2007 (3) RCR (Criminal) 1052 has been observed as under :

'(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has

been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".

(29) In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors., Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

(32) The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

(33) The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

(34) The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

8. The legal principles as laid down for quashing of the FIR were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012)10 SCC 303**'. Still further, the broad principles for exercising the powers under Section 482 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’.

9. 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.

10. 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 of BNSS, 2023:-

- i) The present dispute arise on the ground that the petitioners had fraudulently used the complainant's signature and forged page of the proceeding book through which they had admitted II new members in the society.
- ii) 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.
- iii) 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;
- iv) 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.

11. In view of the report of the Additional Chief Judicial Magistrate, Jind and the principles laid down by the Apex Court in **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, as well as **Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834** and also by the Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, the instant petition is allowed. The aforesaid FIR No.0077 dated 04.03.2025 under Sections 120-B, 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Jind Sadar, District Jind and all other consequential proceedings arising therefrom **are hereby quashed** in view of compromise (Annexure P-2). However, the same would be subject to payment of costs of **Rs.5,000/-** to be deposited by each of the petitioners with the **Red Cross Old Age Home, A/c No.50100286016319, IFS Code HDFC0004030, HDFC Bank, Sector 15, Panchkula**, within a period of two months from receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)

JUDGE

OCTOBER 31, 2025

Vishal Sharma

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