



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

268

CRM-M-48474-2025
Date of decision: 01.12.2025

SUNIL AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. Jatinder Kumar Kansal, Advocate
for the petitioners.

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

Mr. Sourav Kathpal, Advocate and
Mr. Sunjot Singh, Advocate for
Mr. G.S. Sarao, Advocate
for respondent No.2.

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.02 dated 03.01.2025 under Sections 117(2), 190, 191(2), 351(2) of the BNS, 2023 registered at Police Station Sector-6, Dharuhera, District Rewari along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.08.2025 (Annexure P-2).

2. The above FIR had been registered on the complaint of Raj



Kapoor alleging to the effect that he got the sale deed executed in favour of one Jaipal. Out of 10 acres of land agreed to be sold, the sale deed of 5.5 acres of land had already been executed and the sale deed of the remaining land was yet to be executed. After taking possession of the land, Jaipal had undertaken material improvement over the said land. On 31.12.2024 at about 10:00 AM, when complainant alongwith Jaipal and some other persons were doing cleaning and improvement work on the said land, in the meantime, accused Bharat, Sunil, Sanjeet, Somveer, Ankit son of Mann Singh and Ankit son of Rajender armed with sticks and rods, accompanied by 10-15 unknown associates reached there and started abusing the complainant and gave beatings to him with kick blows and fist blows due to which he fell down on the ground and his ribs got fractured in this incident. The complainant alleged that the incident in question happened due to *malafide* intention of the accused-petitioners herein to extort more money than the agreed sale price, by giving threats to Jaipal.

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.

4. Pursuant to the order dated 01.09.2025, a report has been received from the Judicial Magistrate 1st Class, Rewari vide Memo No. 547 dated 20.09.2025. The relevant extract of the report reads thus:-

(i) With humble submission, it is reported that as per statement of investigating officer (copy attached), there are only three



persons found involved as accused in the present FIR/dispute. These persons/accused are Bharat son of Matadeen, Sunil son of Ramphal and Sanjeet son of Ramphal. Further, as per statement, there is only one victim i.e. complainant namely Raj Kapoor son of Hukum Chand in present case. It is further submitted that the above named accused have not been declared proclaimed offender/persons in any case or proceedings against them has not been initiated or pending adjudication in any other case.

ii) As per copy of compromise dated 11.08.2025 annexed, the complainant/victim and all the accused in the present FIR have been made party to the compromise and signed the same.

iii) It is further submitted that all the affected persons (accused or complainant) have been arrayed as party in the quashing petition before Hon'ble High Court and the statements of all such parties have been recorded in compliance of directions vide order dated 01.09.2025 passed by Hon'ble High Court.

iv) It is submitted that as per statement of victim/complainant, he stated that compromise dated 11.08.2025 have been made by him voluntarily, without any coercion and pressure. Further, as per separately recorded statements (copies attached) of parties, they have arrived at compromise which is genuine, voluntarily and without any coercion, undue influence, misrepresentation etc.

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. Mr. Sourav Kathpal, Advocate and Mr. Sunjot Singh, Advocate for Mr. G.S. Sarao, Advocate appear on behalf of respondent No. 2 and reiterate the settlement and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. 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.

8. 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.

9. 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. It is established from the report of Judicial Magistrate First Class, Rewari that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. Petitioners are in the age bracket of 25-35 years and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.
- c. The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.
- 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.

10. In view of the report submitted by the Judicial Magistrate First Class, Rewari 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 FIR No.02 dated 03.01.2025 under Sections 117(2), 190, 191(2), 351(2) of the BNS, 2023 registered at Police Station Sector-6, Dharuhera, District Rewari and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 11.08.2025 (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 of receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 01, 2025
Vishal Sharma

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