

278

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:168666



CRM-M-48689-2025 (O&M)

Date of decision: 02.12.2025.

KRISHNA DEVI @ KRISHNA AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

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

Present :- Mr. G.S. Sandhu, Advocate,
for the petitioners.

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

Mr. Mayank, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, is for quashing of FIR No.559 dated
08.07.2016 under Sections 506, 323, 149, 148 of the Indian Penal Code,
1860 at Police Station Karnal Sadar, District Karnal along with all
subsequent proceedings arising therefrom on the basis of compromise dated

13.08.2025 (Annexure P-2).

2 Briefly summarized, the facts of the case are that respondent-complainant Neha Devi's marriage was solemnized about 4 years ago. Meena, the first wife of her husband Rajesh, always used to harass her and threaten to kill her many times. She also beat up the complainant on several occasions. On 07.07.2016, Meena gave Neha beatings and called her parents, who also gave beatings to Neha and her sister. They also tore the complainant's clothes. Meena's brothers, uncle, and parents also gave Neha and her sister severe beatings, attacked Neha's husband with sticks and lathi and hit him on the head with a gandassi. Due to the aforesaid, Rajesh sustained multiple injuries on his body, blood oozed out heavily and he had to be admitted to the hospital. The present FIR was then got registered against the petitioners. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

3 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 01.09.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

4 Pursuant to the said order, a report has been received from the Chief Judicial Magistrate, Karnal, vide Memo No.1464 dated 16.10.2025. The relevant extract of the report is reproduced as under:-

“Statement of injured Rajesh was recorded on 23.9.2025, whereby he stated that matter has been compromised and he has no objection if the present FIR is quashed. In this case, complainant is Neha who is wife of injured Rajesh. Rajesh

again appeared before the court on 9.10.2025 when notice was served to Neha and suffered his separate statement on behalf of Neha that she is mentally disturbed and cannot appear before the court. He also stated that Neha has also no objection if the present FIR is quashed. It is pertinent to mention here that there is no medical record pertaining to mental stability of Neha.

Accused persons namely Surjit, Mukesh, Krishan, Krishna Devi appeared before the court on 13.10.2025 and their statement regarding compromise was recorded. It is pertinent to mention here that accused Satpal has passed away and proceedings against him have already been dropped vide order dated 28.7.2017 by the learned predecessor court.

After recording the statements of the parties, the same were read over and explained to them, who after admitting the same as correct put their signatures on their respective statements. The parties have been duly identified by their respective counsel.

As per the statement of IO, SI Surender Kumar, in the present FIR, challan against accused persons has been submitted in the court. No accused has been declared proclaimed offender. No other case is registered against accused.

As per the statement of parties, I believe that compromise has been arrived between the parties voluntarily and without any coercion, pressure of any kind or undue influence. The compromise effected between the parties seems to be genuine and outcome of free consent of the parties.”

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 Learned counsel for respondents No.2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7 The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) 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'. The relevant paragraphs are extracted as under:

“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 noncompoundable.

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 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.

9 It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings likely to be a waste of judicial time and there appears to be no chances of conviction.

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 BNSS:-

- (i) The petitioners are in their 30s to 50s and continued criminal proceedings will have repercussions on the discharge of their social obligations as well as health and family life.
- (ii) The nature of injuries received by the respondent-complainant's husband is simple.
- (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 larger public purpose and only result in futile waste of judicial time;

11 In view of the report of the Chief Judicial Magistrate, Karnal and the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No.559 dated 08.07.2016 under Sections 506, 323, 149, 148 of the Indian Penal Code, 1860 at Police Station Karnal Sadar, District Karnal along with all subsequent proceedings arising therefrom, are hereby quashed on the basis of compromise dated 13.08.2025 (Annexure P-2) entered between the parties. However, the same would be subject to payment of costs of Rs.5,000/- to be deposited by each of the petitioner(s) with DHFWS SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492, IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula, within two months from receipt of certified copy of this order.

12 Petition is allowed in above terms.

December 02, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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