



CRM-M-52549-2024

-1-

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

283

CRM-M-52549-2024

Date of decision : 20.05.2025

Tushar Dhawan

..... Petitioner

V/S

State of Haryana and Ors.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajan, Advocate for petitioners.

Mr. Sulinder Kumar, DAG, Haryana.

Mr. Pawan, Advocate for respondents No.2 & 3.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Tushar Dhawan filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.291 dated 17.09.2024 (Annexure P-1), registered under Sections 308(2) of BNS 2023, at Police Station DLF, Phase-3, Gurugram, Haryana and all subsequent proceedings arising therefrom, qua the petitioner, in light of the compromise effected between the parties (Annexure P-3).

2. As per facts of the case, complainant Anoop Singh gave his statement that he belonged to Village Birwat, Konhawaliya, District Khusinagar, UP. He along with earlier landlord Sandeep Gurjar had set up machine for shake and coffee in Plots No.8/19, 20, U Block DLF, Phase-3. Owners of said plots did not reside there nor they charged anything from them. Tushar and Naveen demanded Rs.8,000/- per month for doing business in those plots. He was working there for the last 5-6 months and deposited Rs.33,000/- in 08 installments with Tushar. Another person Mahesh was also selling *bhelpuri*



whereas Chandan Paswan was running tea shop in the same plot and they also extorted Rs.8,000/- per month from them. With these allegations, present FIR was registered.

2. Learned counsel for petitioner raised the issue that matter has been compromised with the respondents vide mutual settlement agreement dated 15.10.2024 (Annexure P-3). No dispute is left between them, therefore, aforesaid FIR registered against him may kindly be quashed after recording the statements of petitioner and respondents No.2 & 3 pertaining to the compromise.

Learned counsel for respondents No.2 & 3 confirmed the aforesaid compromise. Statements of respondents No.2 & 3/complainants namely Anoop Singh and Mahesh Ram were recorded pertaining to mutual settlement agreement dated 15.10.2024. Petitioner – Tushar Dhawan also confirmed the said compromise.

3. Status report has been filed. It is pointed out that during investigation statements of victims were recorded regarding money transaction. Statements of account of complainant as well as accused were obtained from Canara Bank and Punjab National Bank. The petitioner along with co-accused extorted a sum of Rs.95,000/- from the victims illegally. There is ample incriminating evidence against them. They are seeking quashing of FIR in non-compoundable offences. It is further pointed out that co-accused Naveen has not been impleaded as petitioner in this case. Therefore, present petition is bad for partial compromise.

4. I have considered the aforesaid factual position. FIR was lodged on the statement of Anoop Singh- respondent No.2/complainant. In his statement, there is reference of another victim namely Mahesh who is arrayed as respondent



CRM-M-52549-2024

-3-

No.3 in this petition. Apart from them, there is another victim namely Chandan Paswan who was running tea stall from whom money was extorted. Said Chandan Paswan is not arrayed as respondent. As per the contents of FIR, apart from Tushar Dhawan, co-accused namely Naveen is also not arrayed as petitioner.

Therefore, in the present petition one of the victim and one of the accused are not arrayed. It is rightly pointed out by learned State counsel that present petition seeking quashing of FIR is bad for partial compromise. On partial compromise reference can be made to the Division Bench judgment dated 12.11.2024 passed in lead case i.e. **CRM-M-48043-2023** titled as ***“Rakesh Das vs. State of Haryana and another”***. In non compoundable offence petitioner/accused cannot claim quashing of FIR as a matter of right. Facts and circumstances of each case has to be considered.

In the light of aforesaid factual position, it will not be appropriate to quash the aforesaid FIR No.291 dated 17.09.2024 (Annexure P-1) (supra). Let the case be decided on merits. With this observation, present petition is accordingly declined.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

20.05.2025.*Sunil Devi*

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