



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-49832-2025
Date of decision: 10.11.2025

SAMHOON KHAN AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Punyaveet, Advocate for
Mr. Naman Dhull, Advocate
for the petitioners.

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

Mr. Ritik Mohendro, 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 bearing No. 504 dated 04.09.2017 under Sections 323, 34 and 506 of the Indian Penal Code, 1860 registered at Police Station Sector 5, Gurugram along with all subsequent proceedings arising therefrom on the basis of compromise vide affidavit dated 02.05.2024 (Annexure P-2).

2. Briefly summarized facts of the case are that the respondent-complainant Saroja Kumar Bhuyan works as a plumber. On 03.09.2017, he was connecting a water pipeline in Lane No.11, J Block, Ashok Vihar,



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Phase-3 Gurugram, when one Gaffar Khan, who lived in his lane, approached him. Gaffar Khan conveyed his displeasure to the respondent-complainant for having put a shorter pipe, as all the persons in his street had been collecting money for placing a proper pipe and he started quarrelling with the respondent-complainant. Gaffar Khan and the respondent-complainant resolved their differences temporarily on the interference of the people present in the street at that point in time. However, at around 7:00/7:30 PM, when the respondent-complainant started taking his bike that had been parked inside the street, he was confronted by Gaffar's two sons (petitioners herein). The petitioners, who were armed with sticks in their hands, started attacking the respondent-complainant and the latter got injured as a result thereof. The petitioners then left the place of the incident after having threatened the respondent-complainant. The impugned FIR thus came to be registered against the petitioners. However, with the intervention of the respectables from both 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 08.09.2025, report has been received from the Judicial Magistrate 1st Class, Gurugram vide Memo No. 535 dated 13.10.2025. The relevant extract of the report reads thus:-

The point-wise report of the undersigned in compliance of order dated 08.09.2025 is as follows:-

1. The number of accused arraigned in the FIR are two accused namely Shahruk Khan and Samhoon Khan, who appeared before this Court and made statement regarding compromise.



There is no other accused in the instant FIR and the present accused Shahruk Khan and Samhoon Khan are not absconding or declared proclaimed persons in the case.

2. There is only one complainant in the present FIR namely Saroja Kumar Bhuyan, who has appeared before this Court and made statement regarding compromise with the accused.

3. The undersigned being the Illaqua Magistrate is of the view that the compromise effected between the parties is genuine, voluntary and out of free will and volition of parties and the parties to not appear to be under any kind of threat or coercion while suffering their respective statements with respect to compromise.

4. As per the report of IO as well as statement of accused Shahruk Khan and Samhoon Khan, no other criminal case is pending against the accused.

The statement of Complainant Saroja Kumar Bhuyan and accused- Shahruk Khan and Samhoon Khan in original along with self-attested copies of their Aadhar Cards and the statement/report of the ASI Dinesh Kumar, No. 595/GGM, posted at STF, Gurugram, are being sent to the Hon'ble High Court for kind perusal. The photocopies of the statements so recorded and this report be retained on the case file for record purposes.

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. Mr. Ritik Mohendro, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

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. 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:-



- a. The FIR in the present case has been registered on the basis of the allegations levelled by the complainant/respondent No.2 that the petitioners gave several beatings to him due to which he received certain simple injuries.
- b. 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.
- c. 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;
- d. 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.

10. In view of the report submitted by the Judicial Magistrate First Class, Gurugram, 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 bearing No. 504 dated 04.09.2017 under Sections 323, 34 and 506 of the Indian Penal Code, 1860 registered at Police Station Sector 5, Gurugram and all other consequential proceedings arising therefrom **are hereby quashed** in view of compromise vide affidavit dated 02.05.2024 (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**

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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)

NOVEMBER 10, 2025

JUDGE

Vishal Sharma

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