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

**CRM-M No.54855 of 2024
Date of Decision: 05.12.2025**

Saroj Bala**..... Petitioner****Versus****State of Haryana and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Shailender Singh Momi, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Devender Kumar, Advocate
for respondents No.2 & 3.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.12, dated 06.01.2020, under Sections 420, 467, 468, 471 of IPC, 1860, registered at Police Station Pehowa, District Kurukshetra along with all consequential proceedings arising therefrom on the basis of compromise dated 23.10.2024 (Annexure P-2).

2. FIR in question was filed by complainant-respondent No.2 and the trial started thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from the compromise, annexed as



Annexure P-2. On the basis of the compromise, the petitioner is invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question along with all subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 13.02.2025 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

4. In pursuance to the same, learned Sub Divisional Judicial Magistrate, Pehowa has sent the report dated 25.03.2025 to this Court.

5. Reply dated 03.12.2024 by way of an affidavit of Paramjeet Samota, HPS, Deputy Superintendent of Police, Pehowa, District Kurukshetra on behalf of respondent No.1 has already been filed by the learned State counsel in the Court, which is taken on record.

6. Learned counsel for the State however has opposed the compromise on the ground that the petitioner used a forged 8th class certificate to contest the election and on the basis of same, she was elected as Sarpanch of village Bodhni. She has submitted that the complainant, Malwinder Singh had filed a complaint before the Deputy Commissioner, Kurukshetra, in which the petitioner was joined the inquiry. She has submitted that during the investigation on 08.01.2020, SI Prem Singh moved an application to the Head Mistress of Sidarth Public Junior High School, Arthla Mohan Nagar, Ghaziabad, Uttar Pradesh,



who after verification of the school record, had issued the report that Saroj Bala, D/o Sh. Jagdev Singh, date of birth 05.01.1981, class 8th and registration No.0788 was not registered in the school and the school has not issued above said certificate to the petitioner. Thereafter, Deputy Commissioner, Kurukshetra found that the qualification certificate is forged and thus, suspended the petitioner from the post of Sarpanch vide order dated 28.08.2019. She has submitted that being aggrieved, the petitioner filed an appeal before the Principal Secretary to Govt. of Haryana, Development and Panchayat Department, Haryana, Chandigarh, however the same was also dismissed vide order dated 19.11.2019. She has further submitted that the FIR was registered against the petitioner and her husband, however her husband died on 20.06.2020. She has further submitted that the petitioner has committed serious offence of producing forged and fake certificate for contesting the election of Sarpanch of village Bodhni and cheated the public at large. She has submitted that the challan in the present case has already been presented.

7. Learned counsel for the petitioner has submitted that the petitioner has already compromised the matter with the complainant. He has submitted that the petitioner has challenged the finding of the inquiry by way of CWP No.16 of 2020, however the same has already been disposed of by this Court vide order dated 02.03.2023. He has further submitted that the present FIR was registered against the petitioner and her husband, namely, Sushil Kajal, however her husband died on



20.06.2020. He has further submitted that now with the intervention of respectables and close relatives, the matter has been compromised between the parties and with regard to the same, statements of the parties have already been recorded before the learned trial Court. He has thus submitted that the FIR is liable to be quashed.

8. I have heard learned counsel for the parties and perused the record and the report sent by the learned Sub Divisional Judicial Magistrate, Pehowa.

9. On hearing learned counsel for the parties and perusing the record, it is deciphered that the present FIR was registered against the petitioner and her husband, who died on 20.06.2020, on the basis of the complaint filed by complainant, namely, Malwinder Singh, before the Deputy Commissioner, Kurukshetra as she used a forged 8th class certificate to contest the election and on the basis of the same, she was elected as Sarpanch of village Bodhni. However, the petitioner has joined the inquiry in the same. During the investigation, it was found that name of the petitioner was not registered at Registration No.0788 in Sidarth Public Junior High School, Arthla Mohan Nagar, Ghaziabad, Uttar Pradesh and the said school has not issued any certificate to the petitioner. The Deputy Commissioner, Kurukshetra found that the 8th class certificate produced by the petitioner was forged and thus, suspended the petitioner from the post of Sarpanch. The appeal filed by the petitioner against her suspension before the Principal Secretary to Govt. of Haryana, Development and Panchayat Department, Haryana,



Chandigarh was dismissed vide order dated 19.11.2019. For resolving the controversy, the appreciation of the offence under Section 528 of BNSS is relevant, which reads as under:”

“Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

“Saving of inherent powers of High Court.

Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

10. In ***Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466***, it has been held as under:

“XXXXXXX

31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

- (I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.
- (II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:
 - (i) ends of justice, or



- (ii) *to prevent abuse of the process of any Court.*
While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.
- (III) *Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*
- (IV) *On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*
- (V) *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*
- (VI) *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the*



body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under [Section 307](#) IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a



ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

11. Hon'ble Supreme Court in State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335 has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed in Bhajan Lal's (supra) as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- (1) “Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police*



officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

- (3) *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- (4) *Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
- (5) *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
- (6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
- (7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

12. Thereafter, Hon'ble Supreme Court in ***Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303*** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para 61 of the judgment reads as under:-



“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High



Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. In ***‘Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors vs. State of Gujarat and another’*** 2017(4) RCR (criminal) 523, it has been held as under:

“16. Bearing in mind the above principles which have been laid down in the decisions of this Court, we are of the view that the High Court was justified in declining to entertain the application for quashing the First Information Report in the exercise of its inherent jurisdiction. The High Court has adverted to two significant circumstances. Each of them has a bearing on whether the exercise of the jurisdiction under Section 482 to quash the FIR would subserve or secure the ends of justice or prevent an abuse of the process of the court. The first is that the appellants were absconding and warrants had been issued against them under section 70 of the Code of Criminal Procedure, 1973. The second is that the appellants have criminal antecedents, reflected in the chart which has been extracted in the earlier part of this judgment. The High Court adverted to the



modus operandi which had been followed by the appellants in grabbing valuable parcels of land and noted that in the past as well, they were alleged to have been connected with such nefarious activities by opening bogus bank accounts. It was in this view of the matter that the High Court observed that in a case involving extortion, forgery and conspiracy where all the appellants were acting as a team, it was not in the interest of society to quash the FIR on the ground that a settlement had been arrived at with the complainant. We agree with the view of the High Court. The present case, as the allegations in the FIR would demonstrate, is not merely one involving a private dispute over a land transaction between two contesting parties. The case involves allegations of extortion, forgery and fabrication of documents, utilization of fabricated documents to effectuate transfers of title before the registering authorities and the deprivation of the complainant of his interest in land on the basis of a fabricated power of attorney. If the allegations in the FIR are construed as they stand, it is evident that they implicate serious offences having a bearing on a vital societal interest in securing the probity of titles to or interest in land. Such offences cannot be construed to be merely private or civil disputes but implicate the societal interest in prosecuting serious crime. In these circumstances, the High Court was eminently justified in declining to quash the FIR which had been registered under sections 384, 467, 468, 471, 120B and 506(2) of the Penal Code.”

14. The allegations in the present case would show that the offence as alleged is an offence against the society at large and not a private offence where dispute is between two private parties. Society at large is affected and it involves larger public interest. This Court does not find any ground to invoke its extraordinary jurisdiction to quash the present FIR, when society and public at large is affected.

15. As per the law settled by Hon'ble Supreme Court, there cannot be a straight jacket formula to be laid down for exercising power under Section 482 Cr.P.C. and the same would depend on the merits of each case.

16. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction. Resultantly, the present petition being devoid of any merit is hereby dismissed.

17. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2025

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(RAJESH BHARDWAJ)
JUDGE

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