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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167053



CRM-M-52750-2025 (O&M)

Date of decision: 01.12.2025.

SANJEEV

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

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

Present :- Mr. Pradeep Duhan, Advocate,
for the petitioner.

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

Mr. Paramir Singh Doon, Advocate,
for respondent No.2.

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 bearing No.537 dated
17.08.2025, under Section(s) 351(3), 3 (5), 140 (3), 118 (1) and 115 of the
Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS' 2023)
registered at Police Station HTM, District Hisar, (Annexure P-1) along with

all proceedings arising therefrom, on the basis of compromise dated 12.09.2025 (Annexure P-2).

2 Briefly summarized, the facts of the case are that the respondent-complainant Deepak used to do a private job and live as a tenant in Sharma PG, Rampura Mohalla, Hisar. The petitioner also lived with the complainant and the latter borrowed a sum of Rs. 10,000/- from the former. However, the complainant lost the said sum in a game. The petitioner repeatedly asked the complainant to return his money, but the complainant asked for more time to do so. When the respondent-complainant was sleeping at about 1:30 AM on 16.08.2025, the petitioner came to his room and asked him to come downstairs. When the complainant went downstairs, he found two of the petitioner's friends waiting for him. The petitioner asked the complainant to return his money but the latter refused. At this, the petitioner thrashed the complainant, took out a knife from his pocket and stabbed him on the right side of his chest. The complainant raised his left hand to defend himself, due to which he received injuries on his chest and hand. The petitioner and his friends then forcibly took the complainant away on a motorcycle to the village Mangali, beat him up again and asked him to return Rs. 50,000/-. After that, the complainant was taken away to Tosham, left at Sagwan bus stand and threatened with dire consequences. 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 thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 18.09.2025 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 Judicial Magistrate First Class, Hisar, vide Memo No.3169 dated 14.11.2025. The relevant extract of the report is reproduced as under:-

“With respect to FIR No.537 of 2025, PS HTM, Hisar, vide Order dated 18.09.2025 of Hon'ble Mr. Justice Vinod S. Bhardwaj of Hon'ble Punjab & Haryana High Court, the parties were directed to appear before the Illaqa Magistrate/Trial Court for getting their statements recorded regarding the compromise. In furtherance of the said directions separate statements of complainant and of accused were recorded. The parties were duly identified. It has been verified that the compromise entered into between the parties to case is genuine, voluntary and without any coercion or undue influence. Further, statement of LO. ASI Salim Khan is also recorded to the effect that in the year 2025 Deepak son of Vijender, resident of House No.177, Ward No.2, village Kikral Gurera, Distt. Bhiwani, gave a complaint upon which present FIR No.537, U/s 351(3), 3(5), 140(3), 118(1), 115 of BNS, P.S. HTM, Hisar, was registered against Sanjeev son of Bhagat Singh and two other unknown persons. He further stated that the investigation is underway and accused Sanjeev was not arrested and now he has filed a petition for quashing of FIR. The IO further stated that Deepak son of Vijender is the complainant and only victim in the present case and both the accused & complainant are party to the compromise. Lastly, the IO stated that the accused has not been declared a proclaimed offender/person in any case and no such proceeding is pending against him. The copies of the statements and Orders of this Court are attached herewith for onward transmission to the

Hon'ble High Court.”

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 respondent No.2 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 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 incident took place on account of a monetary dispute between the parties for a small sum of money.

(ii) The petitioner is aged 18 years and he is not involved in any other case. Continuation of criminal proceedings would hamper his career and future prospects.

(iii) The injuries received by the complainant cannot be said to

be dangerous.

(iv) The case is still at the initial stage as the FIR was registered in August 2025. No purpose would be served in continuance of proceedings and it would be a waste of precious judicial time.

(v) 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;

10 In view of the report of the Judicial Magistrate First Class, Hisar 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 bearing No.537 dated 17.08.2025, under Section(s) 351(3), 3 (5), 140 (3), 118 (1) and 115 of the BNS, 2023, registered at Police Station HTM, District Hisar, (Annexure P-1) along with all the subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 12.09.2025 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

December 01, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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