

2025:PHHC:165919



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2533-2025 (O&M)

Dhruv Garg

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: November 29, 2025

Date of Uploading: November 29, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dheeraj Jain, Senior Advocate with
Mr. Kanwarpal Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. R.S. Gill, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

The present revision petition has been preferred against the judgment of conviction as also order of sentence dated 18.10.2018 passed by the Sub Divisional Judicial Magistrate, Dera Bassi & judgment (in appeal) dated 30.09.2025 passed by the Additional Sessions Judge, SAS Nagar. Vide the order of conviction dated 18.10.2018 passed by the Sub Divisional Judicial Magistrate, Dera Bassi; the petitioner-Dhruv Garg was convicted for commission of offence punishable under Sections 406/ 120-B/ 420/ 465/ 467/ 468/ 471 of the Indian Penal Code, 1860 (for short 'IPC') whereas the other accused were declared as proclaimed persons. Vide order of sentence

of even date passed by Sub Divisional Judicial Magistrate, Dera Bassi, the accused (*petitioner herein*) was sentenced as under:

Name of the convict	Under Section	RI	Fine	In default
Dhruv Garg	406 IPC	3 years	Rs.2000/-	3 months
-do-	120-B IPC	2 years	-	3 months
-do-	420 IPC	3 years	Rs.2000/-	3 months
-do-	467 IPC	3 years	Rs.2000/-	3 months
-do-	465 IPC	2 years	Rs.2000/-	2 months
-do-	468 IPC	3 years	Rs.2000/-	3 months
-do-	471 IPC	2 years	Rs.2000/-	2 months

Further; vide judgment dated 30.09.2025 passed by the Additional Sessions Judge, SAS Nagar, in an appeal preferred by the petitioner against the aforesaid judgment of conviction as also order of sentence dated 18.10.2018 passed by the Sub Divisional Judicial Magistrate, Dera Bassi, was partly allowed to the extent that conviction of the petitioner under Sections 406, 465, 467, 468 and 471 was set aside, but his conviction under Sections 120-B & 420 of IPC has been upheld.

2. During pendency of the present revision petition, an application bearing No.CRM-41634-2025 has been preferred by the petitioner seeking, *inter alia*, permission to compound the offences in light of compromise deed dated 01.10.2025 (Annexure P-1) effected between the complainant and the petitioner (through his mother) and setting aside of the judgments/ order *ibid*. An amount of Rs.35,00,000/- is also stated to have been paid to the complainant vide Demand Draft No.009393 dated 01.10.2025 as full and final settlement.

2.1. Thereafter, another application bearing No.CRM-46431-2025 has been filed seeking to place on record the joint affidavit dated 13.11.2025 (Annexure R-1) executed between the petitioner and the complainant. The contents of the said joint affidavit read thus:

“1. That FIR No. 269 dated 20.11.2010 was registered at Police Station Dera Bassi, District SAS Nagar, Punjab, on the

complaint of the First Party, and the Second Party is the accused/appellant in the said case.

2. *That earlier a compromise was effected between the parties, pursuant to which an amount of Rs 35,00,000/- (Rupees Thirty-Five Lakhs only) was mutually agreed to be paid by the Second Party to the First Party, over and above the amounts already paid in the proceedings before the Hon'ble National Consumer Disputes Redressal Commission.*
3. *That now both parties have amicably renegotiated and revised the terms of settlement, and have voluntarily agreed that the Second Party shall pay an additional amount of Rs 22,00,000/- (Rupees Twenty Two Lakhs only) to the First Party, over and above the earlier agreed amount, making the total enhanced settlement amount accordingly.*
4. *That except for the enhancement of the settlement amount, all other terms and conditions of the previously executed compromise deed shall remain intact, unchanged, and binding on both parties.*
5. *That it is specifically agreed between the parties that the enhanced amount of Rs 22,00,000/- shall be handed over to first party on the next date of hearing i.e. 20/11/2025 in the Hon'ble High Court and shall be honoured by the Second Party only after the following conditions are fulfilled:*
 - *Both parties shall jointly appear before the Hon'ble Court for compounding/quashing of FIR No. 269/2010; and*
 - *The Hon'ble Court permits compounding and the FIR along with all consequential proceedings stands duly compounded/quashed.*
6. *That the First Party states that upon the compounding/quashing of the FIR and upon receipt of the entire settlement amount (including the enhanced Rs 22 lakhs), he shall have no further claim, grievance, or dispute of any nature whatsoever against the Second Party arising out of the subject matter of the FIR.*
7. *That the First Party has no objection to the compounding/quashing of FIR No. 269/2010, subject to honouring of the terms of settlement as stated herein.*
8. *That this compromise is voluntary, genuine, and made without any coercion, pressure, inducement, or undue influence by either party.*
9. *That both parties undertake to remain bound by the compromise, including the enhanced amount, and agree that after fulfilment of the settlement, neither party shall initiate or pursue any proceedings, civil or criminal, relating to the subject matter of the FIR.”*

3. Learned counsel for the complainant admits the fact of the parties having settled the matter, as aforesaid, and states that he has no objection in case the impugned orders as well as other incidental proceedings relating to the impugned orders of convictions are set-aside.

4. Similarly, learned State counsel has stated no objection in case the impugned orders are quashed based upon the compromise.

5. I have heard learned counsel for the parties and have carefully gone through the records of the case.

6. This Court and the Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303*** and ***Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052***. The proposition of law that emerges from the aforesaid decisions rendered by Apex Court and this Court is:

- (a) Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) However, wider the power greater the caution.*
- (c) The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*
- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) While quashing FIR in non-compoundable offences even which are private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr. P.C., 1973. Therefore, the above said principles of law would apply to an exercise of power under Section 528 of BNSS, 2023 as well.

7. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***, the relevant whereof reads as under:

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

*13. It appears to us that criminal proceedings involving non heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in ***Narinder Singh & Ors. vs. State of Punjab & Ors.*** and ***Laxmi Narayan (Supra)***.”*

7.1. The inherent jurisdiction under section 528 BNSS, 2023/Section 482 Cr. P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and a genuine compromise has been reached, the high court may intervene to quash the conviction recognizing the continued proceedings would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are

incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *nay* substantial justice between the parties and to secure the ends of justice.

Therefore, the High Court, in the exercise of its inherent power under section

528 BNSS, 2023/Section 482 Cr.P.C, 1973 has the discretion to quash a conviction where the parties have reached an amicable settlement, provided such compromise does not impinge upon the public interest or undermine justice, as well as the substantial justice.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested under Section 528 of BNSS to set-aside the orders passed by both the Courts below as:

- (i) Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) The offences alleged are primarily of private nature.*
- (iii) The parties have compromised.*
- (iv) As per the report received the compromise is said to be voluntary in its nature.*
- (v) Complainant/victim is reported to have entered into compromise on his own volition.*

9. Consequently, the instant revision petition is allowed; the impugned judgment of conviction as also order of sentence dated 18.10.2018 passed by the Sub Divisional Judicial Magistrate, Dera Bassi & judgment (in appeal) dated 30.09.2025 passed by the Additional Sessions Judge, SAS Nagar; are hereby set-aside and the petitioner is acquitted of the charge(s) framed against him.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

November 29, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No