



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

**CRM-51099-2025 IN/AND
CRM-M-57659-2025
Date of Decision: 22.12.2025**

GAJRAJ NAGAR AND OTHERS

...PETITIONER(S)

Vs.

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

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

**Present:- Mr. Parshant Sethi, Advocate
for the applicants-petitioners.**

Dr. (Ms.) Malvika Singh, DAG, Haryana.

**Mr. Hemant Hans, Advocate for
Mr. Sumit Sharma, Advocate
for the respondent No.2-complainant.**

VINOD S. BHARDWAJ, J. (ORAL)

CRM-51099-2025

This application under Section 528 of BNSS, 2023 has been filed on behalf of the applicants-petitioners seeking preponement of the date of hearing fixed in the main petition, which is fixed for hearing on 05.02.2026.

For the reasons mentioned in the application, the same is allowed.

Main Case (O&M)

1. With the consent of the parties, the main case is taken on Board today itself for hearing.

2. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of case bearing FIR No.0259 dated 29.08.2025, under Section(s) 115, 117(2), 190, 191(2), 351(2), 333 of the Bharatiya Nyaya Sanhita, 2023 (*hereafter to be referred as 'BNS' 2023*) registered at Police Station Ballabhgarh Sadar, District Faridabad along with all proceedings arising therefrom, on the basis of compromise dated 08.09.2025 (Annexure P-2).

3. Briefly stated, the facts of the case are that the respondent-complainant Yogender son of Mahavir, resides with his family adjacent to a Shamlat road. There had earlier been a verbal dispute between the complainant's family and the family of Gajraj (petitioner herein) regarding the said Shamlat. On 24.08.2025, Gajraj and Begraj, along with their family members and some villagers, came to the house of the complainant. Thereafter, all of them proceeded to the Shamlat road, where Gajraj had installed a submersible pump. The Panchs present at the spot asked Gajraj to remove the said pump. On this issue, Gajraj and Begraj allegedly slapped the complainant. The Panchs intervened and brought the complainant back to his house. After some time, Gajraj, Begraj, Kapil, Kuldeep, and Sonu again came to the house of the complainant and allegedly assaulted the complainant and his children.

Once again, the Panchs intervened and, with great difficulty, rescued the complainant and his family. During the said altercation, the gold chain worn by the complainant was allegedly lost. The complainant sustained serious injuries in the incident and was admitted to Sarvodaya Hospital, where he received medical treatment. Consequently, the present FIR was registered against the petitioners.

4. However, with the intervention of respectable persons of the village, the parties have amicably settled the dispute and have decided to compromise the matter. Hence, the present petition.

5. The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 14.10.2025 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.

6. Pursuant to the said order, a report has been received from the Judicial Magistrate First Class, Faridabad, vide Memo No.3172 dated 27.11.2025. The relevant extract of the report is reproduced as under:-

“Vide order dated 14.10.2025 passed by Hon’ble Justice Vinod S. Bhardwaj, Judge, in CRM-M-57659-2025, directions were given to the parties to appear before the Trial Court/Duty Magistrate for getting their statements recorded.

Order of Hon’ble High Court dated 14.10.2025 perused and same is verified by the concerned Ahlmad from the Official website of the Hon’ble High Court of Punjab & Haryana, Chandigarh. On 11.11.2025, both parties i.e. complainant Sh. Yogender Singh son of Shri Mahavir Singh, and accused

persons, namely, Gajraj Nagar, Begraj, Sonu @ Inderjeet, Kapil Nagar and Kuldeep Nagar appeared alongwith their counsel/s. Statement of both the parties have been recorded. Abovenamed accused persons have been duly identified by Shri Abhishek Kapasiya, Advocate and complainant has been duly identified through by his counsel Shri Ankit Nagar, Advocate. Statement of Investigating Officer also recorded on 26.11.2025.

Parties have submitted that with the intervention of respectable persons of the society, a compromise has been effected between them. This has been done to finish the litigation and to have peaceful and harmonious relations. Now, the complainant does not want any action against the accused persons.

Besides recording the statements of the parties as mentioned above, I also duly enquired about the compromise between two sides independently from the complainant and the accused persons as well as the counsel. Both the parties have stated that the matter has been compromised between the parties and there is no ill will between the two sides. So, after perusal of the statements of the parties and after enquiring from the parties independently, as well as the counsel of accused persons, I am of the opinion that the compromise arrived at between the parties is genuine, bonafide, without any pressure and voluntary between the parties. Both the parties requested that the present FIR no.259 dated 29.08.2025, under Sections 115, 117(2), 190, 191(2), 351(2), 333 BNS, 2023, Police Station Sadar Ballabgarh, Faridabad, District Faridabad, be quashed.

The compromise arrived at between the parties is genuine, bonafide, without any pressure and voluntary between the parties.

In this regard, it is respectfully submitted that the present FIR no.259 dated 29.08.2025, under Sections 115, 117(2), 190, 191(2), 351(2), 333 BNS, 2023, Police Station Sadar Ballabgarh, Faridabad, District Faridabad, was registered against five accused persons, namely, Gajraj Nagar, Begraj, Sonu @ Inderjeet, Kapil Nagar and Kuldeep Nagar. Further, there is only one complainant/victim, namely, Sh. Yogender Singh son of Shri Mahavir Singh. All the accused persons and complainant/victim are party to the compromise and they have signed it. No complainant/victim or accused persons have left out or not arrayed in the quashing petition before the Hon'ble High Court. No accused persons have been declared proclaimed offender/person and no other proceedings have been initiated against them. Further, all the accused persons and victim/complainant have entered into compromise. The compromise arrived at between the parties is genuine, bonafide, without any pressure and voluntary between the parties."

7. 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.

8. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

9. 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.”

10. 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.

11. 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 dispute in question was essentially personal in nature, having arisen out of a temper flare-ups between the parties, rather than any deep-rooted criminal intent.

(ii) It is established from the report of Judicial Magistrate First Class, Faridabad that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

(iii) Petitioners No.1 and 2 are in their 50s whereas remaining petitioners are in their early 30s; continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social

obligation as well as their workplace and may adversely impact their careers.

(iv) The injuries received by the complainant cannot be said to be dangerous.

(v) 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.

(vi) 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;

(vii) Continuation of the proceedings with the complainant unlikely to support the case of prosecution, would serve no larger public purpose and only result in futile expenditure and waste of judicial time.

12. In view of the report of the Judicial Magistrate First Class, Faridabad 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.0259 dated 29.08.2025, under Section(s) 115, 117(2), 190, 191(2), 351(2), 333 of the Bharatiya Nyaya Sanhita, 2023 (*hereafter to be referred as 'BNS' 2023*) registered at Police Station Ballabhgarh Sadar, District Faridabad along with all the subsequent proceedings

arising therefrom are hereby quashed on the basis of compromise dated 08.09.2025 (Annexure P-2) entered between the parties.

13. Petition is allowed in above terms.

[VINOD S. BHARDWAJ]
JUDGE

22.12.2025
Rahul Joshi

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No