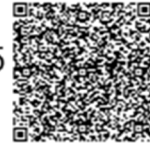


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

299

CRM-M-61030-2024 (O&M)
Date of decision : 09.09.2025

**Daulat Maseeh @ Daulat Masih @ Dola @ Daula
and others**

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mayank Goyal, Advocate
for the petitioners. (Through VC)

Mr. Neeraj Poswal, AAG, Haryana.

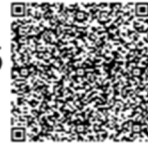
Mr. Kamal Gupta, Advocate
for respondents No. 2 and 3.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No. 427 dated 25.12.2020 (Annexure P-1), registered under Sections 148, 149, 323 and 506 of IPC (Section 307 of IPC added later on) at Police Station Sirsa Sadar, District Sirsa along with all the subsequent proceeding having emanated therefrom on the basis of a compromise dated 12.11.2024 (Annexures P-2) arrived at between the parties.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of the statement made by respondent No. 2/complainant Akash alleging therein that on 24.12.2020, when he along with his brother/respondent No. 3 Ajay

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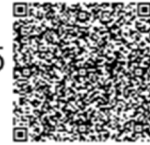


was standing in the street, then the petitioners, armed with weapons, made exhortation and opened an assault upon respondents No. 2 and 3, thereby causing them injuries. On hearing hue and cry, the neighbours rushed to save them and on seeing them, the assailants fled away while threatening to kill them in future. The injured were admitted in the hospital and were given treatment. The motive behind the occurrence was alleged that about 20-25 days back, an altercation had taken place between the parties, in which, the matter was compromised but the accused persons were having grudge against the complainant party. After registration of the FIR, investigation proceedings were initiated. The petitioners were arrested and subsequently they were released on bail. The trial is going on.

3. This petition has been filed on the grounds that a compromise has taken place between the petitioners and respondents No. 2 and 3 and in pursuance thereof, respondents No. 2 and 3 have agreed to get the aforementioned FIR quashed. The said compromise has also been reduced into writing and a copy thereof has been placed on record.

4. Learned counsel for the petitioners contends that even though offence under Section 307 of IPC has been added in the instant case, however, neither respondent No. 2/complainant nor victim/respondent No.3, while appearing before the learned trial Court as PW-6 and PW-7, respectively, have supported the prosecution version in their cross examinations since they stated that on the fateful day, some one had pushed them, due to which, they had fallen down and respondent No. 3/PW-7 received injuries on his head and thereafter, some unknown persons had caused injuries to them. They further

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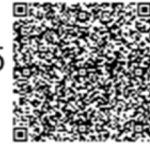


stated that they could not see or notice any of the persons, who had caused injuries to them. More so, a perusal of the testimony of PW-4 Dr. Sanket Setia, Medical Officer, PHC, Jamal would show that he had stated that his opinion was based on the opinion of treating doctor dated 02.01.2021 as well as document, wherein it was written that the injury sustained by respondent No.3-Ajay was 'dangerous to life'. However, the said opinion was not given by him and it was based only on the opinion of treating doctor. It is further argued that the petitioners had been falsely implicated. The compromise arrived at between the parties is genuine, voluntary and without any pressure and, therefore, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings is liable to be quashed.

5. Respondents No. 2 and 3 have appeared through their counsel and have admitted the factum of compromise. It is submitted by learned counsel for these respondents that they have no objection if the impugned FIR is quashed qua the petitioners.

6. On the other hand, learned Assistant Advocate General, Haryana has argued that the allegations against the petitioners are quite serious in nature. They have been booked, challaned and chargesheeted for commission of several offences including offence under Section 307 of IPC, which is non-compoundable. The same also falls under the category of heinous offences and is to be treated as a crime against the society and not against an individual alone. The victim had sustained head injury, which was obviously dangerous to life. Keeping in view the gravity of offence, no case has been made out for

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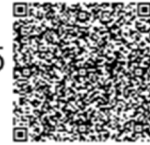


quashing of FIR on the basis of the alleged compromise. Hence, it is urged that the petition is liable to be dismissed. In support of her arguments, she has relied upon the authority cited as ***State of Madhya Pradesh vs. Laxmi Narayan and others : (2019) 5 SCC 688.***

7. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

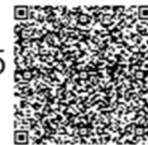
8. At the outset, it will be beneficial to look into the scope and ambit of the Court's power under Section 528 of BNSS (*which is pari materia with Section 482 of Cr.P.C.*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are placed before the High Court. The power conferred under this section is very specific and to secure the ends of justice or to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein several guidelines have been laid down. Some of them, which are relevant for the purpose of disposal of the present petition, are reproduced as under:

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- “(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

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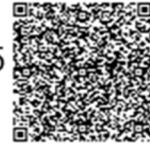


instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. The next question that arises for consideration before this Court is that as to whether the powers under Section 528 of BNSS can be exercised to quash the criminal proceedings in respect of offence under Section 307 of IPC, which is obviously non-compoundable in nature. In this context, it will be proper to firstly make reference to the observations made by Hon’ble Supreme Court in case reported as *Narinder Singh and others vs. State of Punjab and another : (2014) 6 SCC 466*, wherein it was observed as under :

“(vi) Offences under Section 307 I.P.C. 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 I.P.C. 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 I.P.C. 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 I.P.C. 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

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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.”

10. While placing reliance upon *Narinder Singh*’s case (supra) and several other judicial pronouncements, Hon’ble Supreme Court observed as under in *Laxmi Narayan*’s case (supra) :

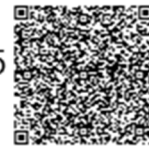
“15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious

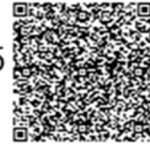
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offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. 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 framing 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/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and

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the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

(Emphasis supplied)

11. Now coming to the peculiar facts and circumstances of the present case. As per the allegations, the petitioners had caused several injuries to respondents No. 2 and 3, out of which, one injury sustained by respondent No. 3 was declared to be dangerous to life. However, though the respondent No. 2 and respondent No. 3, who are the most material witnesses to the case supported the prosecution version with regard to involvement of the petitioners in this case during examination in chief but both of them have resiled from their previous versions during cross examination by saying that unknown person had caused injuries to them. Even PW-4 Dr. Sanket Setia is shown to have stated that the opinion given with regard to head injury of respondent No. 3 as ‘dangerous to life’ was not his own opinion but the same was based on the opinion of the treating doctor. On considering the aforementioned circumstances, I have no hesitation in concluding that though a case of sustaining head injury by respondent No. 3, has been made out but it cannot be stated that it were the petitioners, who had caused such injuries nor it can be said that the same was dangerous to life. Even otherwise, the parties have amicably resolved their dispute. I am of the firm opinion that the proceeding with trial would be a futile exercise as there are no chances of the conviction of the petitioners in view of the depositions made by respondents No. 2 and 3 before the learned trial Court. As such, ends of justice certainly

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require that the settlement arrived at between the parties be given effect by quashing the proceedings and it would rather be an abuse of process of law to let the trial remain pending. In support of this opinion, reliance is placed upon the observations made by Hon’ble Supreme Court in a recent judgment dated 11.02.2025 passed in Criminal Appeal No. 660 of 2025, titled as ***Naushey Ali and others vs. State of U. P. and others.***

12. In view the discussion as made above, the present petition is allowed and FIR No. 427 dated 25.12.2020 (Annexure P-1), registered under Sections 148, 149, 323 and 506 of IPC (Section 307 of IPC added later on) at Police Station Sirsa Sadar, District Sirsa is hereby quashed qua the petitioners along with all the subsequent proceedings having emanated therefrom.

09.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No