



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-1009-2025
Date of decision: 22.01.2026

SAGAR DAS AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Ms. Shivani Jaglan, Advocate
for the petitioners.

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

Ms. Varsha Sharma, Advocate and
Mr. Mayur Karkra, Advocate
for respondent No.2-complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.804 dated 12.11.2024 under Sections 118(1), 3(5), 351(3) and 109 (added later on) BNS, 2023 registered at Police Station Chandni Bagh, District Panipat along with all subsequent proceedings arising therefrom on the basis of compromise dated 02.01.2025 (Annexure P-2).
2. The FIR in question came to be registered on the complaint of Sumit, son of Rampal, a tenant residing in the house of Jaswinder Malik at

Captain Market, Sanoli Road, Panipat. It is stated that his father had taken a shop on rent at the said location, in front of which the complainant and his father used to place a cart, where the complainant earned his livelihood by running a fast-food business. It is stated that in November 2024, while the complainant was operating his cart and his brother Sunil was attending to their father's cart, at about 6:30 p.m., two acquaintances of the complainant, namely Sagar and David, residents of Village Khedi, District Jind, arrived at the spot and entered into a quarrel with him. During the altercation, the said accused persons assaulted the complainant by grabbing him by the neck and inflicting blows on his chest, stomach and left hand with knives. Upon the complainant raising an alarm, his brother Sunil and neighbouring persons reached the spot, whereupon the accused persons threatened to kill the complainant and his family while brandishing the knives and thereafter fled from the scene. The complainant was subsequently taken to Max Hospital, Sanoli Road, Panipat, for medical treatment, leading to the registration of the present FIR.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

4. Pursuant to the order dated 25.08.2025, a report has been received from the Additional District & Sessions Judge, Panipat vide Memo No. 1222 dated 11.09.2025. The relevant extract of the report reads thus:-

1. Total number of persons found involved as accused in the dispute/FIR?

Ans. Two accused persons are involved in the present FIR. Out of which, one accused namely David is declared juvenile.

2. Number of complainant/Victim(s)?

Ans. One

3. Whether all the accused and complainant /victims are party to compromise and singed the same?

Ans. Yes.

4. In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High court, detail whereof; OR His/her statement is still to be recorded, in compliance of the direction of this court, details of such person?

Ans. No.

5. Whether any accused has been declared as Proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication?

Ans. No.

6. Report of court whether compromise is genuine, voluntary and without any coercion or undue influence?

Ans. The compromise is genuine, voluntary, with their free will and without any threat/fear/undue influence/coercion from any other side.

7. Any other aspect relevant to the present case?

Ans. No.

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. Ms. Varsha Sharma, Advocate and Mr. Mayur Karkra, Advocate appear on behalf of respondent No. 2 and reiterate the settlement

and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. The Hon'ble Supreme Court in the case of ***Yogendra Yadav & Others v. State of Jharkhand & Another*** reported as **(2014) 9 SCC 653** has held that although non-compoundable offences under Section 320 Cr.P.C. cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their dispute. The Court has held that this power must be exercised on a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection, and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus :

4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 : (2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has

no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.

8. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. It is established from the report of Additional District & Sessions Judge, Panipat that the parties have entered into a compromise voluntarily, which is genuine in nature and has been effected without any coercion, undue influence, or pressure.
- b. The allegations in the FIR disclose a sudden altercation and do not prima facie indicate any premeditated or calculated criminal intent on the part of the accused.
- c. The petitioners are young persons aged about 19 years and

17 years respectively, and continuation of criminal proceedings at such a formative stage of their lives would cause irreparable prejudice to their future prospects, education, and chances of social rehabilitation.

- d. The FIR in question pertains to the year 2025 and the proceedings are still at a nascent stage. Significantly, the parties have amicably resolved their disputes and entered into a compromise of their own free will, with the intervention of respectable members of the society and bringing the criminal proceedings to an end at this juncture would promote peace, harmony and tranquillity between the parties.
- e. The offence(s) alleged can neither be characterised as heinous or of such gravity as to shock the collective conscience of society, nor do they partake the nature of offences that would shock the conscience of the Court.
- f. In view of the amicable settlement arrived at between the parties, the complainant is unlikely to support the prosecution case; consequently, continuation of the proceedings would serve no larger public interest and would merely result in an avoidable wastage of valuable judicial time.
- g. In the totality of the circumstances, the continuation of the FIR and all proceedings emanating therefrom would amount to an abuse of the process of law and the ends of justice

would be better served by quashing the same in view of the compromise effected between the parties.

9. In view of the report submitted by the Additional District & Sessions Judge, Panipat and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The aforesaid FIR No.804 dated 12.11.2024 under Sections 118(1), 3(5), 351(3) and 109 (added later on) BNS, 2023 registered at Police Station Chandni Bagh, District Panipat and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 02.01.2025 (Annexure P-2). However, the same would be subject to payment of costs of **Rs.20,000/-** to be deposited by each of the petitioners with the **Red Cross Old Age Home, A/c No.50100286016319, IFS Code HDFC0004030, HDFC Bank, Sector 15, Panchkula** within a period of two months of receipt of certified copy of this order and further subject to the condition that the petitioners shall also render community service for two hours per day for a period of six months at the Civil Hospital/Old Age Home, Jind, after approaching and coordinating with the authorities of the said Civil Hospital/Old Age Home.

A report in this regard be furnished by the District Probationary Officer, Jind.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 22, 2026
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No