



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-3570-2026

SONU SHARMA AND OTHERS

....PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

Date of decision: 05.03.2026

Date of Uploading: 05.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Punit Malik, Advocate for the petitioners.

Ms. Priyanka Sadar, Senior DAG, Haryana.

Mr. Santosh, Advocate for respondents No.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.300 dated 25.09.2021 under Sections 323, 147, 149, 506 of IPC, registered at Police Station Sector 40, District Gurugram (Later on challan presented under Sections 148, 149, 323, 325, 395, 397, 387, 506 of IPC) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 14.01.2026 (Annexure P-2), which is stated to have been effected between the parties.

2. On 22.01.2026 the following order was passed:

“This is a petition under Section 528 of BNSS, 2023 for quashing of FIR No.300 dated 25.09.2021 under Sections 323, 147, 149, 506 IPC registered at Police Station Sector 40, District Gurugram (later on challan presented under Sections 323, 147, 149, 506, 325, 384, 379-B IPC) with all subsequent proceedings arising therefrom, on the basis of compromise dated 14.01.2026 (Annexure -2)



Notice of motion.

On the asking of the Court, Mr. Sushil Bhardwaj, Addl. A.G Haryana accepts notice on behalf of respondent No.1-State. Mr. Pradeep Balyan, Advocate has put in appearance on behalf of respondents No.2 & 3 and has filed power of attorney, which is taken on record. He admits the factum of compromise entered into between the parties.

List on 27.02.2026.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused and victim in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?*
- (v) Whether compromise is complete or partial?*
- (vi) Whether offence has been enhanced after registration of the FIR?"*

3. Pursuant to the aforesaid order, report dated 20.02.2026 from Judicial Magistrate Ist Class, Gurugram has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"On 03.02.2026, both the parties i.e. accused namely Sonu Sharma @ Baba, Krishan Kumar, Jai Bhagwan, Himanshu and Aman as well as the complainant Jai Bhagwan Thakran and Ashok Kumar appeared before the Court in person and they were duly identified by their respective counsels. Thereafter, separate statements of accused Himanshu, Jai Bhagwan and Aman have been recorded wherein they stated that they are the accused in the present FIR bearing No.300 dated 25.09.2021 under Sections 323, 147, 149 and 506 IPC (later on challan presented under Sections 323, 148, 149, 506, 387, 395, 397 IPC) Police Station Sector-40, Gurugram.

They further stated that they have compromised the matter on 14.01.2026 with both the complainants namely Jai Bhagwan Thakran and Ashok Kumar and the compromise effected with the complainants is complete. It is further stated that they were never declared as proclaimed persons and there is no other case pending/FIR registered against them and they are giving their statement voluntarily, without any pressure or fear from



anyone and same is out of their freewill. It is prayed that the present FIR be quashed.

Thereafter, separate statement of accused Sonu Sharma (@ Baba has been recorded wherein they stated that he is the accused in the present FIR bearing No.300 dated 25.09.2021 under Sections 323, 147, 149 and 506 IPC (later on challan presented under Sections 323, 148, 149, 506, 387, 395, 397 IPC) Police Station Sector-40, Gurugram. He further stated that he has compromised the matter on 14.01.2026 with both the complainants namely Ja Bhagwan Thakran and Ashok Kumar and the compromise effected with the complainants is complete. He further stated that he was never declared as proclaimed person and there is one criminal case/FIR pending against him and he is giving his statement voluntarily, without any pressure or fear from anyone and same is out of his freewill. It is prayed that the present FIR be quashed.

Thereafter, separate statement of accused Krishan Kumar has been recorded wherein they stated that he is the accused in the present FIR bearing No.300 dated 25.09.2021 under Sections 323, 147, 149 and 506 IPC (later on challan presented under Sections 323, 148, 149, 506, 387, 395, 397 IPC) Police Station Sector-40, Gurugram. He further stated that he has compromised the matter on 14.01.2026 with both the complainants namely Jai Bhagwan Thakran and Ashok Kumar and the compromise effected with the complainants is complete. He further stated that he was never declared as proclaimed person and there are three criminal cases/FIR pending against him and he is giving his statement voluntarily, without any pressure or fear from anyone and same is out of his freewill. It is prayed that the present FIR be quashed.

On the other hand, complainants Ashok Kumar and Jai Bhagwan Thakran also appeared before the Court on 03.02.2026 and suffered their separate statements to the effect that they are the complainants in the present FIR bearing No.300 dated 25.09.2021 under Sections 323, 147, 149 and 506 IPC (later on challan presented under Sections 323, 148, 149, 506, 387, 395, 397 IPC) Police Station Sector-40, Gurugram. They further stated that they have compromised the matter on 14.01.2026 with the accused persons namely Sonu Sharma, Aman, Jai Bhagwan, Krishan Kumar and Himanshu and the compromise effected with the accused persons is complete and they do not wish to pursue the present FIR against the accused. They further stated that they have no objection, if the present FIR against the aforesaid accused persons be quashed. They further stated that they are giving their statements voluntarily, without any pressure or fear from anyone and same is out of their freewill and they prayed that the present FIR be quashed. Thereafter, a notice was issued to Investigating Officer and in pursuance of notice issued, Investigating Officer ASI Rampal



No. 258/GGM posted at P.S. Sector 40, Gurugram appeared in Court on 07.02.2026 and suffered a statement that he is the Investigating Officer in the present FIR bearing No.300 dated 25.09.2021 under Sections 147, 149, 323, 506 IPC, P.S. Sector 40, Gurugram. It is stated that initially FIR was registered against one accused namely Sonu @ Baba but challan was filed against five accused persons namely Sonu @ Baba, Aman, Jai Bhagwan, Himanshu and Krishan Kumar. He further stated that two victims namely Jai Bhagwan and Ashok Kumar were named in the FIR and after investigation, challan was filed under Sections 147, 149, 323, 506, 325, 384 and 379B IPC. He further stated that none of the abovenamed accused persons were declared proclaimed offenders and there is no other case pending against accused Aman, Jai Bhagwan and Himanshu Tyagi. He further stated that three cases are pending against accused Krishan Kumar and one case is pending against accused Sonu Sharma @ Baba.

In view of the statements made by the parties and statement of investigating Officer ASI Rampal No. 258/GGM, this Court is of the view that parties have got their statements recorded voluntarily, without any undue influence or coercion. As per the statements of parties, the compromise effected between the parties is complete, genuine, voluntary and without any coercion or undue influence. Further, initially FIR was registered against only one accused namely Sonu @ Baba but challan was filed against five accused persons namely Sonu @ Baba, Aman, Jai Bhagwan, Himanshu and Krishan Kumar. Further, there are two complainants/victims namely Jai Bhagwan and Ashok Kumar in the present FIR and initially FIR was registered under Sections 147, 149, 323 and 506 of IPC but after investigation, offences were enhanced and challan was filed under Sections 147, 149, 323, 506, 325, 384 and 379B IPC. Further, none of the abovenamed accused persons were declared proclaimed offenders and there is no other case pending against accused Aman, Jai Bhagwan and Himanshu Tyagi. Further, three cases are pending against accused Krishan Kumar and one case is pending against accused Sonu Sharma @Baba. Both the parties i.e. two complainants and five accused persons have appeared in the Court and made their respective statements in support of the compromise effected between them. Hence, in compliance of the order dated 22.01.2026 of the Hon'ble High Court, I hereby submit original statements of parties as well as statement of Investigating Officer concerned, for it's onward submission to the Hon'ble High Court. Criminal Ahlmad is directed to send the report along-with original statements of parties and statement of IO after retaining the second original copy of the statements."



4. Learned counsel for respondent Nos.2 and 3 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise/affidavit (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble 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, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and 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 proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble 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 of 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 a petition under Section 528 of BNSS, 2023 as well.



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 u/s 528 of BNSS,2023 to quash the FIR 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 petition is allowed. FIR No.300 dated 25.09.2021 under Sections 323, 147, 149, 506 of IPC, registered at Police Station Sector 40, District Gurugram (Later on challan presented under Sections 148, 149, 323, 325, 395, 397, 387, 506 of IPC) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 14.01.2026 (Annexure P-2), are, hereby, quashed.

10. The instant order shall also be read in respect of offences under Sections 148, 149, 323, 325, 395, 397, 387 and 506 of the IPC as well.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

05.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No