



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-3724-2026
Date of decision: 18.05.2026

NISHANT KUMAR AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Jatin, Advocate
for the petitioners.

Mr. Paras Talwar, Senior DAG, Haryana.

Ms. Suman Rani, Advocate
for respondent No.2.

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.256 dated
13.10.2025 registered under Sections 406, 420 and 120-B of the Indian Penal
Code, 1860 and Section 24 of Emigration Act, 1983 at Police Station Sector
14, District Panchkula, along with all subsequent proceedings arising
therefrom on the basis of compromise dated 15.01.2026 (Annexure P-2).
2. The brief facts of the case are that on the basis of complaint No.
1281-PW dated 06.08.2025 received at Police Station, Sector-14, Panchkula,
an inquiry was conducted by the Anti Emigration Fraud Unit, Panchkula.

During inquiry, it was alleged by the complainant-Rohit that he came into

contact with the accused persons namely Nishant and Harman through Instagram, who represented themselves as having links with the Singapore Embassy and assured him that they could arrange a Study Visa/Work Visa for Singapore. The complainant was further introduced to certain other persons namely Rana and Vicky, who also interacted with him through video calls and interviews regarding the visa process. Considering the representations made by the accused persons, the complainant arranged his passport and paid an amount of approximately Rs.4,30,000/- to the accused persons through RTGS, cheques and cash on different occasions between June 2023 to January 2024. It was alleged that despite receipt of the aforesaid amount and documents, the accused persons neither arranged the visa nor completed the promised work and instead kept delaying the matter on one pretext or the other. It was further alleged that fake documents were supplied to the complainant to mislead him and when the complainant demanded return of his money, the accused persons refused and extended threats. Upon completion of inquiry an FIR bearing No. 0256 dated 13.10.2025 under Sections 120-B, 406 and 420 of IPC, 1860 and Section 24 of the Emigration Act, 1983 was registered at Police Station Sector-14, District Panchkula against the accused persons.

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 23.01.2026, a report has been received from the Additional Chief Judicial Magistrate, Panchkula vide Memo No. 548 dated 10.04.2026. The relevant extract of the report reads

thus:-

REPORT

I. Total number of persons found involved as accused in the dispute/FIR;

As per statement of I.O, two persons namely Nishant Kumar and Harmanpreet Singh was arrayed as accused.

II. Number of complainant / victim (s).

In the present case, there is one complainant namely Rohit.

III. Whether all the accused and complainant / victim are party to compromise and signed the same.

As per the statement of IO, all the accused and complainant / victim are party to the compromise and signed the same.

IV. 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 to the direction of this Court, details of such person.

In the present case, no other affected person (accused or complainant) is left out in the quashing petition before Hon'ble High Court.

V. Whether any accused has been declared as a proclaimed offender / person or any such proceedings against him/her have been initiated or pending adjudication;

** As per the statement of I.O, none of the accused is a proclaimed offender and no such proceedings against accused has been initiated.*

VI. Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence;

The compromise arrived between the complainant namely Rohit and accused namely Nishant Kumar and Harmanpreet Singh, which appears to be genuine,

voluntary and entered into with free will between the parties and without any coercion or undue influence. Separate statement of the complainant as well as accused was also recorded to this effect on 26.02.2026. Copy of Compromise placed on record as Ex.C1. The parties in their statement submitted that they have entered into a compromise without any fear or pressure and have no objection in case the FIR is quashed by Hon'ble High Court.

VII. Any other aspect relevant to the present case.

** No other aspect relevant in the present case.*

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. Suman Rani, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and his concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. 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 non-compoundable.

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.”

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 Chief Judicial Magistrate, Panchkula, that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.

- b. That the dispute between the parties is purely civil in nature arising out of an agreement for arranging overseas employment/study visa to the complainant.
- c. Petitioners are in their twenties and continued incarceration in a criminal case will cause severe repercussions to them in discharge of their social obligation and adversely impact their career.
- d. The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.
- e. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- f. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Additional Chief Judicial Magistrate, Panchkula, 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.256 dated 13.10.2025 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983 at Police Station Sector 14, District Panchkula and all other consequential proceedings arising therefrom **are hereby quashed** in view of

the compromise dated 15.01.2026 (Annexure P-2).

Petition is allowed.

MAY 18, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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