

CRA-S-360-SB-2011 (O&M)

2026:PHHC:024739



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Mahender Singh and another
versus
State of Haryana
....Appellants
....Respondent

Date of Decision: February 17, 2026
Date of Uploading: February 18, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Aman Gautam, Advocate and
Mr. Ashutosh Sharma, Advocate for the appellants.
Mr. Gurmeet Singh, AAG Haryana.
Mr. Raghunath Chauhan, Advocate for
Mr. Z.S. Chauhan, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

The present criminal appeal has been filed impugning the judgment and order dated 06/08.01.2011 passed by learned Additional Sessions Judge, Narnaul, in a case FIR No.296 dated 02.10.2006, registered under Sections 425, 436, 323, 325 read with Section 34 of IPC, 1860, at Police Station Mahendergarh, whereby the appellants have been convicted for commission of offence punishable under Sections 323, 325, 436 and 426 read with Section 34 of IPC and were sentenced as under:

“323/34 IPC	Rigorous Imprisonment for six months each and fine of Rs.500/- each. In default of payment of fine, the convicts shall undergo
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	<i>rigorous imprisonment for three months each.</i>
<i>325/34 IPC</i>	<i>Rigorous Imprisonment for two years each and fine of Rs.1000/- each. In default of payment of fine, the convicts shall undergo rigorous imprisonment for six months.</i>
<i>426/34 IPC</i>	<i>Rigorous Imprisonment for three months each.</i>
<i>436/34 IPC</i>	<i>Rigorous Imprisonment for five years each and fine of Rs.2000/- each. In default of payment of fine, the convicts shall undergo rigorous imprisonment for one year.”</i>

2. Learned counsel for the appellants has submitted that during the pendency of the present proceedings, the appellants and the complainant have entered into a compromise deed dated 18.03.2025 (copy whereof is appended as Annexure A-1). Learned counsel for the appellants has further submitted that, thereafter, pursuant to the order dated 04.08.2025 passed by this Court, the parties had appeared before the Chief Judicial Magistrate, Narnaul to get their statements recorded *qua* factum of compromise. Learned Chief Judicial Magistrate, Narnaul, vide letter dated 25.08.2025 has reported that statements of the parties recorded are genuine, voluntarily and without any coercion or undue influence. Learned counsel has further argued that since the parties have amicably settled their disputes, the present appeal deserves to be disposed of in terms of the said compromise, the offences be permitted to be compounded, and the appellants be acquitted of the charges framed against them.

3. Learned counsel appearing for the complainant has affirmed and ratified the factum of settlement/compromise having been arrived at between the parties and has further vouched for the voluntariness and genuineness of the compromise deed dated 18.03.2025 stated to have been executed between the parties. Accordingly, he has iterated that the complainant has no objection if the offences are permitted to be compounded, in accordance with law, and the appellants are consequently acquitted of the charges framed against them.

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4. Learned counsel for the appellants has also submitted that, pursuant to the order dated 21.01.2026, the appellants have duly deposited the costs of ₹50,000/- as directed by this Court.

Furthermore, learned counsel for both the parties have jointly requested this Court to permit compounding of the offence(s) in question on the basis of the compromise effected between the parties. In view of the settlement having been affirmed and the requisite costs having been deposited, the oral prayer made in this regard is accepted, and the offences are permitted to be compounded, in accordance with law.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. 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*. 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 charge-sheet 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.

7. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***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 relevant whereof reads thus:

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 of Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with Page 10 rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh & Ors. vs. State of Punjab & Ors.³ and Laxmi Narayan (Supra).”

7.1. The inherent jurisdiction under section 528 BNSS, 2023/Section 482 Cr. P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when a genuine compromise has been reached, the High Court may intervene to quash the conviction recognizing the continued proceedings would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, it's very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or

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abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice nay substantial justice between the parties and to secure the ends of justice. Therefore, the High Court, in the exercise of its inherent power under section 528 BNSS, 2023/Section 482 Cr.P.C, 1973 has the discretion to quash a conviction where the parties have reached an amicable settlement, provided such compromise does not impinge upon the public interest or undermine justice, as well as the substantial justice.

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 judgment of conviction as:

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- (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**. The impugned judgment and order dated 06/08.01.2011 passed by learned Additional Sessions Judge, Narnaul, in FIR No.296 dated 02.10.2006, registered under Sections 425, 436, 323, 325 read with Section 34 of IPC, 1860, at Police Station Mahendergarh, is, hereby, set aside and quashed. The appellants are acquitted of the charge(s) framed against them.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 17, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No