



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

244

CRM-M-6953-2026
Date of decision: 08.05.2026

RAM CHANDER BEHMANI AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

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

Present: - Mr. Parth Aneja, Advocate
for the petitioners.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Mr. Nitin Goswami, Advocate for
Mr. Bakul Garg, Advocate
for respondents No.2 and 3.

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.38 dated 24.01.2026 registered under Sections 115, 117(2) and 3(5) of the BNS, 2023 at Police Station Sector-17, HUDA, Jagadhri, District Yamuna Nagar along with all subsequent proceedings arising therefrom on the basis of compromise dated 30.01.2026 (Annexure P-2).

2. The above FIR had been registered on the complaint of Rajiv Chaddha son of Shivcharan, alleging to the effect that on 19.01.2026 at about 4:00 PM, a dispute arose in the street of Basant Nagar, Jagadhri, regarding work being carried out in connection with a sewerage pipe. The complainant, Rajiv Chaddha son of Shivcharan, resident of House No. 711, Basant Nagar, Jagadhri, stated that his wife had requested the workers to pour water properly at the site, upon which Ramchander and his sons started abusing her. When the complainant objected to the abusive language, Ramchander allegedly caught hold of him and his sons assaulted him by giving fist blows on his nose and waist, causing him to fall on the ground. The complainant was later rescued by his son. On receipt of the complaint dated 19.01.2026, the matter was initially found suspicious and Diary Report No.24 dated 19.01.2026 was recorded at Police Post Arjun Nagar, Police Station Sector-17 HUDA, Jagadhri for verification of facts. During inquiry, on 22.01.2026, the complainant produced MLR No. AB/42/YNR/MLR/26 dated 19.01.2026 issued by Civil Hospital, Yamuna Nagar, wherein two blunt injuries were noted. Injury No.1 required opinion of NCCT Face and ENT Surgeon, whereas Injury No.2 required opinion of Orthopaedic Surgeon. Accordingly, Daily Diary entry was made. Thereafter, on 24.01.2026, the Investigating Officer along with Constable Rahul visited Civil Hospital, Yamuna Nagar and obtained the final medical opinion after receipt of CT Scan and X-Ray reports. As per the opinion of the doctor, Injury No.1 was declared grievous in nature and Injury No.2 was declared simple in nature. Upon verification of the facts, medical evidence, and statements available on record, the police found commission of cognizable

offences punishable under Sections 115(2), 117(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023. Consequently, a rukka was prepared and sent to the police station through Constable Rahul No.831 for registration of the case. Accordingly, FIR No.38 dated 24.01.2026 under Sections 115(2), 117(2), and 3(5) BNS was registered at Police Station Sector-17 HUDA, Jagadhri, District Yamuna Nagar, and investigation was taken up by the police.

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 06.02.2026, a report has been received from the Chief Judicial Magistrate, Yamuna Nagar at Jagadhri vide Memo No. 124 dated 17.03.2026. The relevant extract of the report reads thus:-

I.	<i>Total number of persons found involved as accused in the dispute/FIR;</i>	As per statement of I.O, there are two accused namely Ram Chander Behmani and Nishant Behmani.
II	<i>Number of complainant/victim(s);</i>	As per statement of I.O, there are two complainant/victim(s) namely Rajeev Chadha and Lalita
III	<i>Whether all the accused and complainant / victims are party to compromise & signed the same;</i>	As per statement of I.O, there are two accused and two complainant/victims(s), they are party to the compromise and have signed the same.
IV	<i>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;</i>	As per record, there are two accused and two complainant/victim(s), they are party to the compromise and no affected person is left or not arrayed as party in quashing petition before Hon’ble High Court and statements of all the affected persons (accused/complainant)

		have been recorded.
V	<i>Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication</i>	No. No accused has been declared as proclaimed offender/person and no such proceedings against him/her have been initiated or pending/adjudication.
VI	<i>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence;</i>	The compromise effected between the parties is genuine, voluntary and without any coercion, pressure or undue influence and is valid .
VII	<i>Any other aspect relevant to the present case.</i>	As per record, there are two accused and two complainant/victim(s). All are party to the compromise and signed the same. None of the accused has been declared proclaimed person. Accused deposited the costs and placed on file original compromise.

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. Mr. Nitin Goswami, Advocate for Mr. Bakul Garg, Advocate appears on behalf of respondents No. 2 and 3 and reiterates the settlement and his concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure were summarized by the Hon'ble Supreme Court in the matter of “*Narinder Singh versus State of Punjab*” (2014) 6 SCC 466’ wherein it was held as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to

compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for the offences alleged to have been committed under special statute 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.*

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to*

great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are 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 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 proving 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. 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 criminal proceedings whereas in the latter 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.*

29.7. *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal*

proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

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

- b. The dispute in question is purely private and personal in nature arising out of a neighbourhood altercation concerning sewerage/street work.
- c. Petitioner No.1 is aged 60 years and continued incarceration in a criminal case will cause severe repercussions to him in discharge of his social obligations. Petitioner No.2 is 26 years old and continued incarceration in a criminal case may adversely impact his career.
- d. The FIR in question pertains to the year 2026 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 Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, 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.38 dated 24.01.2026 registered under Sections 115, 117(2) and 3(5) of the BNS, 2023 at Police Station Sector-17, HUDA, Jagadhri, District Yamuna Nagar and all other

consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 30.01.2026 (Annexure P-2).

Petition is allowed.

MAY 08, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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