

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026:PHHC:082754



CRM-M-6713-2026 (O&M)
Date of decision: 25.05.2026.

SHYAM SUNDER ALIAS RAHUL AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

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

Present :- Mr. Sanyam Khetarpal, Advocate,
for the petitioners.

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

Ms. Kajal Chauhan, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.512 dated
12.09.2015, registered under Section(s) 147, 148, 323, 341 and 506 of the
Indian Penal Code, 1860 at Police Station Central Faridabad, District
Faridabad, along with all other proceedings arising therefrom including the
judgment of conviction dated 21.02.2023 and order of sentence dated

23.02.2023 passed by the Judicial Magistrate First Class, Faridabad in Case No.CHI/22/2016, on the basis of compromise dated 28.01.2026 (Annexure P-3).

2 Status report on behalf of respondent-State has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioners.

3 Briefly stated, the aforesaid FIR was registered on the statement of complainant Darshan son of Late Tulsi Ram, resident of Village Saidpura, Police Station Tigao, Faridabad. The complainant stated that he belongs to the Brahmin community and had been serving in the Haryana Home Guards for the last about seven years and was posted with the Traffic Police, Faridabad for the preceding five years. As per the complainant, on 10.09.2015 at about 7:00 p.m., after leaving the Traffic Police Station, Faridabad, he was proceeding towards his village Saidpura on his motorcycle bearing registration No. HR-51 AM-7813. It is alleged that when he reached a little ahead of the BPTP bridge on Master Road falling within the area of Prahladpur, Faridabad, six persons riding on two motorcycles intercepted him by placing their motorcycles in front of his vehicle.

4 The complainant alleged that two persons namely Rinku son of Puran, resident of Dabua Colony, Faridabad and Pratap son of Harichand, caste Jatav, resident of Tilpat, Faridabad, were carrying sticks in their hands and assaulted him with the said sticks on his waist and head. It is further alleged that another accused namely Akash son of Yogendra Bhati, resident of House No. 3105, Jawahar Colony, NIT, Faridabad, was carrying a brick and also struck blows on the complainant's head and waist. It was further alleged that three other unidentified boys were accompanying the aforesaid

accused persons and were armed with folding sticks and the said persons also caused injuries on the joint of his left hand and shoulder.

5 The complainant further stated that upon hearing his cries, Sunish son of Late Sharda Ram and Sandeep son of Bijender, both residents of Saidpura, reached the spot and several passers-by also gathered there, upon which all the accused persons fled away from the place of occurrence on their motorcycles. It is further the case of the complainant that thereafter he informed the Traffic Police Station, Faridabad, pursuant where to Constable Deepak and Constable Mintu arrived at the spot and got him admitted to B.K. Hospital, Faridabad for medical treatment. The complainant further alleged that while fleeing from the spot, the accused persons also extended threats to kill him. He additionally stated that the motive behind the assault was that on 08.09.2015, the police had issued a traffic challan pertaining to the motorcycle of accused Akash and that due to the said reason, the accused persons had assaulted him in a pre-planned manner. It was also alleged that during the course of the occurrence and scuffle, the complainant's Samsung Core-2 mobile phone fell down and the accused persons took away the said mobile phone while leaving the spot. Accordingly, the complainant sought legal action against the accused persons.

6 The present petitioners were convicted in the aforesaid case vide judgment dated 21.02.2023 passed by the Learned Judicial Magistrate First Class, Faridabad in Case No. CHI/22/2016 (CNR No. HRFB03-016461-2015) and were sentenced vide order dated 23.02.2023 as under: -

<i>Section</i>	<i>Sentence Awarded</i>

<i>147 IPC</i>	<i>Six months rigorous imprisonment along with fine of Rs. 500/- each; in default of payment of fine, to further undergo simple imprisonment for 10 days.</i>
<i>323 IPC</i>	<i>Three months rigorous imprisonment along with fine of Rs. 500/ each; in default of payment of fine, to further undergo simple imprisonment for 10 days</i>
<i>341 IPC</i>	<i>Fine of Rs. 500/- each; in default of payment of fine, to further undergo simple imprisonment for 10 days</i>

7 It was further ordered that all the substantive sentences shall run concurrently and the period of custody already undergone was to be set off under Section 428 Cr.P.C. The fine amount of Rs. 1,500/ each (total Rs. 7,500/-) was also deposited.

8 Aggrieved by the aforesaid judgment of conviction dated 21.02.2023 and order on sentence dated 23.02.2023 passed by the Ld. Judicial Magistrate First Class, Faridabad, the petitioners preferred Criminal Appeal No. CRA-114 of 2023 titled "Shyam Sunder @ Rahul and others versus State of Haryana" before the Ld. Sessions Court, Faridabad. The said appeal is presently pending adjudication and the substantive sentence of the petitioners stands suspended during the pendency thereof.

9 However, with the intervention of the respectables from both sides, the parties have decided to compromise the matter. Hence, the present petition.

10 The parties were directed to appear before the learned trial

Court/Illaq Magistrate vide order dated 05.02.2026 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

11 Pursuant to the said order, a report has also been received from the Judicial Magistrate First Class, Faridabad, vide Memo No.408 dated 13.04.2026. The relevant extract of the report is reproduced as under:-

“2. Complainant- Sh. Darshan Sharma son of Sh. Tulsi Ram has made a statement that the matter has been amicably settled with accused. He has no objection if FIR is quashed.

3. In the same way, accused persons namely Shyam Sunder @ Rahul, Ram Avtar, Rinku, Pratap Kumar and Raj Kumar have also made statement to the effect that matter has been amicably settled with the complainant. They requested to quash the FIR against them.

4. In compliance of order dt. 05.02.2026 passed by Hon'ble Punjab and Haryana High Court, the information is furnished as under:-

(i) It is respectfully submitted that as per the statement of IO/ASI Sanjay Kumar, there are five persons namely Shyam Sunder @ Rahul, Ram Avtar, Rinku, Pratap Kumar and Raj Kumar arrayed as accused in the present FIR.

(ii) It is respectfully submitted that as per the statement of IO/ASI Sanjay Kumar, there is only one person namely Sh. Darshan Sharma arrayed as complainant in the present FIR.

(iii) It is respectfully submitted that accused persons and complainant/victims are party to compromise and signed the same. Their statement duly identified by their counsels also

recorded separately.

(iv) It is respectfully submitted that there is no affected persons (accused or complainant) who have left out or not arrayed as party in the quashing petition before Hon'ble High Court.

(v) It is further submitted that accused persons namely Shyam Sunder @ Rahul, Ram Avtar, Rinku, Pratap Kumar and Raj Kumar have not been declared proclaimed person. Statement of IO/ASI Sanjay Kumar No.706, Faridabad, P.S. Central, Faridabad also recorded to this effect.

(vi) It is respectfully submitted that as per the statement suffered by all the parties, the compromise, so arrived at between the parties appears to be genuine, voluntarily and out of their free will.”

12 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.

13 Learned counsel for respondent No. 2 reiterates the settlement and her concurrence to the FIR and all the other consequential proceedings being quashed.

14 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.”

15 The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS: -

- a. The petitioner and the private respondents are residents of the same village and belong to the same local community. Continuation of the criminal proceedings, despite settlement between the parties, is likely to perpetuate bitterness and hostility, whereas putting a quietus to the dispute would restore cordial relations and bring about much-needed peace, harmony and social amity between the parties.
- b. The petitioner is presently about 39 years of age and, as per the record, is not involved in any other criminal case, thereby indicating that the present occurrence appears to be an isolated incident rather than reflective of any continuing criminal conduct.
- c. The FIR in question was registered in the year 2014 and despite lapse of considerable time, the prosecution evidence has still not concluded. The continuation of criminal proceedings for such a prolonged period would serve no fruitful purpose, particularly when the parties have already resolved their dispute amicably.

- d. It is also significant to note that qua the co-accused of the petitioner, the present FIR already stands quashed on the basis of compromise vide order dated 10.10.2018 passed by this Court in CRM-M-7431-2018. The continuance of proceedings only against the present petitioner, despite the dispute having substantially lost its adversarial character, would therefore result in unnecessary continuation of criminal litigation.
- e. The offences alleged cannot be categorized as heinous offences involving mental depravity or offences having such grave societal impact so as to shock the collective conscience of society or that of the Court.
- f. The allegations do not pertain to offences against the State, acts of terrorism, offences involving extreme violence, sexual offences or crimes having grave repercussions upon public order or institutional integrity.
- g. The complainant, having entered into a lawful compromise with the petitioners, is no longer desirous of pursuing the criminal proceedings. Thus, the possibility of the prosecution securing a meaningful conviction is rendered extremely remote and bleak.
- h. Continuation of the criminal proceedings in such circumstances would only result in unnecessary prolongation of litigation, avoidable harassment to the parties and futile consumption of valuable judicial time.
- i. There is nothing on record to suggest that the petitioners are habitual offenders or persons having criminal antecedents

indicative of criminal propensity.

- j. Quashing of the proceedings would advance the cause of justice, promote harmony between the parties and secure lasting peace and finality to the dispute.

16 In view of the report of the Judicial Magistrate First Class, Faridabad and the principles laid down by the Apex Court in the aforesaid judgments, the instant petition is allowed. FIR bearing No.512 dated 12.09.2015, registered under Section(s) 147, 148, 323, 341 and 506 of the Indian Penal Code, 1860 at Police Station Central Faridabad, District Faridabad, along with all subsequent proceedings arising therefrom including the judgment of conviction dated 21.02.2023 and order of sentence dated 23.02.2023 passed by the Judicial Magistrate First Class, Faridabad in Case No.CHI/22/2016, is hereby quashed on the basis of compromise deed dated 28.01.2026 (Annexure P-3) entered between the parties.

17 Petition is allowed in above terms.

May 25, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No