



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

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CRM-M-7226-2026(O&M)

Date of decision: 04.05.2026

Naresh Kumar

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Suraj Mandhan, Advocate for
Mr. Prashant Deswal, Advocate for the petitioner.

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

Ms. Shikha Yadav, Advocate for
Mr. Ashish Khatkar, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of case bearing FIR No. 717 dated 12.10.2022 registered under Sections 323, 324, 427, 506 of the Indian Penal Code, 1860 at Police Station Sector 32-33, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise deed dated 19.01.2026 (Annexure P-2).

2. The FIR in the present case was registered on the complaint lodged by Sachin Kumar, a resident of Vikas Colony, Karnal. The complainant stated that on 12.10.2022, while he was proceeding towards the Karnal Court in connection with his duty and upon reaching near Police Station Sector 32-33, Karnal, an unknown person driving a car bearing registration No. HR-05-AB-3900, in a rash and negligent manner and at a high speed, attempted to force his vehicle towards the left side of the road. It

was further alleged that when the complainant stopped his vehicle, the said individual approached the driver's side, forcibly removed the keys from the ignition and, along with a woman accompanying him, assaulted the complainant by slapping and punching him. The complainant also alleged that during the course of the assault, his gold chain was broken and the buttons of his shirt were torn, resulting in blood stains on his clothes and vehicle. The complainant further stated that upon raising alarm, members of the public gathered at the spot and the accused persons, before fleeing, extended threats to his life. It was also noted that certain advocates present nearby intervened and prevented further escalation of the incident. On the basis of the aforesaid allegations, the complainant sought registration of a case and initiation of appropriate legal action against the accused persons, pursuant to which the present FIR came to be registered.

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition. The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 09.02.2026 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.

4. Pursuant to the said order, cost has been deposited and receipt thereof is taken on record. A report has also been received from the Judicial Magistrate First Class, Karnal, vide Memo No.343 dated 22.04.2026. The relevant extract of the report is reproduced as under:-

“In compliance of order dated 09.02.2026 of Hon'ble High Court, the following point wise information is hereby furnished as under:

(i) As per the statement of Investigating Officer; there is only one accused namely Naresh in the present FIR.

(ii) As per the statement of Investigating Officer; there is only one victim/complainant in the present FIR.

(iii) As per the statements of parties, all the accused persons and complainant/victims are parties to compromise and have duly signed the same.

(iv) As per the statement of the Investigating Officer, and perusal of the police report; there is one accused (Naresh Kumar) who is arrayed as accused in the FIR.

(v) As per the statement of the investigating officer, the accused has not been declared as proclaimed offender in this or any other case.

(vi) After perusing the statements of the parties, the court finds the compromise arrived is genuine, voluntary, and without any coercion or undue influence.

(vii) No other aspect relevant to 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. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7. The broad guidelines 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 vs. State of Punjab, 2014 (2) RCR(Criminal) 482, 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:-

- (i) The occurrence in question emanates from a personal altercation triggered by an incident of rash and negligent driving, whereupon the petitioner is stated to have compelled the complainant to stop his vehicle, followed by a scuffle resulting in physical assault, damage to personal belongings and exchange of threats. The incident appears to have arisen out of a sudden provocation and does not

disclose any element of premeditation or a continuing criminal design.

- (ii) The episode is isolated in nature and remains confined to the individuals involved, without any ramifications affecting public order, societal peace, or the larger interests of the community.
- (iii) The petitioner is a middle-aged individual having established familial and social responsibilities. The continuation of criminal proceedings would not only prejudice his livelihood and professional standing but also impair his ability to discharge obligations towards his dependents.
- (iv) The parties have, of their own volition and with the intervention of respectable members of society, amicably resolved their disputes and entered into a genuine and voluntary compromise, thereby restoring cordiality between them.
- (v) In view of the settlement so arrived at, it is highly improbable that the complainant would support the prosecution case during trial, rendering the likelihood of conviction remote and uncertain.
- (vi) The allegations pertain to a personal dispute devoid of any element of grave moral turpitude or offences of such heinous nature as would shock the conscience of society or warrant continuation of proceedings in the larger public interest.
- (vii) No useful purpose would be served by permitting the criminal proceedings to continue in the face of a complete settlement, as the same would only lead to unnecessary harassment of the parties and prolong avoidable litigation.
- (viii) Continuation of such proceedings would result in a futile expenditure of valuable judicial time, without advancing the cause of justice, particularly when the parties themselves have resolved their differences and seek to move forward.

10. In view of the report of the Judicial Magistrate First Class, Karnal and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The FIR No. 717 dated 12.10.2022 registered under Sections 323, 324, 427, 506 of the Indian Penal Code, 1860 at Police Station Sector 32-33, District Karnal along with all consequential proceedings arising therefrom is hereby quashed in view of the compromise deed dated 19.01.2026 (Annexure P-2)..

11. Petition is **allowed** in the above terms.

04.05.2026

Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No