



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-8138-2026 (O&M)

Date of decision: 07.05.2026

Jai Singh and others

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Kanwar Abhay Singh, Advocate for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.142 dated 20.07.2021 registered under Sections 323, 34, 427, 452 and 506 of the Indian Penal Code, 1860, at Police Station Sector 65, District Gurugram, along with all subsequent proceedings arising therefrom on the basis of the compromise deed dated 14.07.2025 (Annexure P-3).

2. The present FIR was registered on the complaint of Amarjeet Chhikara. The same reads thus:-

“xxxxxx Complaint against Jai Singh S/o Shri Mehar Singh (Mob No.9811224779, 9810011971) R/o of Village Nangli Umarpur, Tehsil Badshahpur, Gurgaon and his accomplices for damaging the property of the company, Trespass, criminal intimidation, threat to life and property in criminal conspiracy with others Request for Police assistance for protection from accused.

Dear Sir, The Complainant Company submits as under: That the Complainant Company 'Emaar India Ltd (Formerly known as M/s Emaar MGF Land Limited' is a company duly incorporated and registered under the provisions of the Companies Act. 1956, having its registered office at 306-308. square one. C-2 District Centre, Saket New Delhi-110017 and alongwith its associate companies, is engaged in the business of real estate development. That the Complainant through its subsidiary companies is the owner in possession of large tract of land in and around Sector 62-65 Gurugram including but not limited to land bearing Rectangle number 21 Killa number 16 (8-0) in Village Nangli Umarpur. Tehsil District Gurugram. Copy of the revenue documents establishing the ownership, possession of the company are annexed herewith as Annexure- 1 (Colly). That subsequent to purchasing the land in question the complainant company, along with its associate companies, had applied for the license to Govt. Authorities and later on Complainant company was granted licence bearing No.113 dated 22.12.2011 by the DTCP, Haryana for development of residential plotted colony, which includes the said land in question as well. Copy of the License bearing number 113 dated 22.12.2011 granted by the DTCP, Haryana is annexed herewith as Annexure-3. for kind perusal and necessary reference. That today morning around 10.30 AM when the company staff/workers/guards visited the site for

routine inspection, they noticed that the boundary wall has been demolished completely. The accused person, who was present at the spot, has claimed that he bulldozed the wall and illegally claimed that the land underneath the wall belongs to him. That yesterday night in late hours, the abovenamed accused Jai Singh S/o Mehar Singh R/o village- Nangli Umarpur, along with some goon-type persons, has illegally entered our aforesaid licensed land/site of the company and demolished the boundary wall with help of 2/3 JCB Machines and Other related apparatus/construction equipment/labourers. Photographs of the demolished wall are also attached as Annexure-4 (Colly) for necessary reference. That when the company officials questioned the accused person as to why he had done so, the accused person created a big ruckus at the site and manhandled the staff/official and also threatened the official/security staff of the Company to face dire consequences or else leave the site immediately. That the accused person didn't stop from creating a ruckus at the spot, the guards/officials of the company who were deployed at the site called the local police by dialling the police control number "100". Realizing the fact that the police are about to arrive at the site any time soon, all of the accused persons ran from there. However, while leaving the site, the accused person threatened the company staff/workers that if anyone was seen working there, he would eliminate the said person,

and even police cannot do anything to him. That it is relevant to mention here that the wall in question is very crucial and important so as to secure the residents of Colony namely "Emerald Hills", the same is required to protect more than 500 hundred families. That the above said wall was constructed by the company about 2 years back as per the approved building, layout plans in terms of the License (copy attached) which was granted to the company by the Government authority. That with this illegal act the accused person not only has caused heavy loss to the tune of lacs of rupees to company but has also jeopardized, exposed the nearby residents to imminent danger of thefts, and any kind of mischievous activities. In view of the above said facts and circumstances, it is most respectfully prayed that your goodself may kindly lodge an FIR of the incident and carry out investigation into the illegal acts done by the accused person and his accomplices. It is requested that strict action may be taken against all persons who are involved in this crime. It is further respectfully prayed that appropriate protection may please be granted to officials/staff of the Complainant Company over the said land, enabling the Complainant to reconstruct the wall in question. We request your goodself for immediate intervention into the matter and for taking necessary action in accordance with law. "

3. However, with the intervention of the respectables, the parties

have decided to compromise the matter. Hence, the present petition.

4. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 12.02.2026 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.

5. Pursuant to the said order, a report has been received from the Judicial Magistrate 1st Class, Gurugram vide Memo No. 220 dated 09.04.2026. The relevant extract of the report is reproduced as under:-

- “i. As per the report of Investigating Officer, total five accused namely Jai Singh, Bir Singh, Dheer Singh, Umesh Gairathi and Bharat Gairathi were found involved as accused in the dispute/FIR*
- ii. As per the report of the investigating officer, there is one complainant/victim in the aforesaid FIR namely Amarjeet Chhikara who was the authorized Signatory of the company Emmar India Ltd*
- iii. All the accused are party to the compromise but the complainant Amarjeet Chhikara (the then authorized signatory of company Emaar India Ltd) who had filed the complaint is not the party to the compromise deed dated 14.07.2025 rather one Vishavajeet Dhankhar (present authorized signatory of the complainant company Emaar India Ltd.) is party to the compromise deed.*

- iv. *No accused or complainant or any affected person is left out and all the concerned are arrayed as party in quashing petition before the Hon'ble High Court*
- v. *As per police record, no accused has been declared as proclaimed offender/person and no such proceedings against any of the accused have been initiated or are pending adjudication*
- vi. *From the statements made by the complainant and the accused, the compromise appears to be genuine, voluntarily, made out of free will and in order to maintain peace and harmony and the same is without any threat, pressure, coercion or undue influence*
- vii. *It is most respectfully submitted that the complaint in the present case was filed by complainant Amarjeet Chhikara who was the authorized signatory of Emaar India Pvt. Ltd. However, the compromise deed dated 14.07.2025 has been signed by the accused party and one Vishavajeet Dhankhar (present authorized signatory of Emaar India Pvt. Ltd.). It is further most respectfully submitted that the court has recorded the statements of complainant Amarjeet Chhikara (the then authorized signatory of Emaar Pvt. Ltd.) and Vishavajeet Dhankhar (present authorized signatory of Emaar Pvt. Ltd.)”.*

6. 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.

7. There is no representation on behalf of respondent No.2, however, the factum of compromise stood admitted by the complainant during the recording of the statement before the trial Court.

8. The broad principles for exercising the powers under Section 482 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.”

9. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

10. 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- i) *The dispute in question arose from the boundary wall that the respondent-complainant Company had constructed, and it now stands resolved between the respective parties.*
- ii) *Petitioners are of 45, 49, 53, 29 and 28 years of age and continued criminal incarceration will cause severe repercussions to the petitioners in the discharge of their social obligations as well as in their workplace.*
- iii) *The offence in question cannot be said to be heinous or as an offence that would shock the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;*
- iv) *Continuation of the proceedings with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile expenditure of judicial time.*

11. In view of the report of the Judicial Magistrate 1st Class, Gurugram and the principles laid down by the Apex Court in '**Parbatbhai**

Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641', the instant petition is allowed.

FIR No.142 dated 20.07.2021 registered under Sections 323, 34, 427, 452 and 506 of the Indian Penal Code, 1860, at Police Station Sector 65, District Gurugram, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of the compromise deed dated 14.07.2025 (Annexure P-3).

12. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

07.05.2026

Mangal Singh

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