



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

254

CRM-M-9472-2026
Date of decision: 21.05.2026

GURDYAL SONI & OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - None for the petitioners.

Mr. Apoorv Garg, Addl. A.G. Haryana.

None for respondent No.2.

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.0111 dated 19.02.2020 under Sections 406, 420, 506 of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar, along with all subsequent proceedings arising therefrom on the basis of compromise dated 14.02.2026 (Annexure P-2).

2. The present FIR was registered on the complaint of Gopal Chauhan, who alleged that he came into contact with accused Gurudayal Soni, resident of Sadulshahar, Rajasthan, through a program. The accused, along with co-accused namely Anil and Balbir, represented that they were starting a business venture and sought financial assistance from the

complainant, assuring that the amount would be returned within 2–3 months. Believing their statements, the complainant transferred an amount of Rs. 4,01,625/- through RTGS on 05.01.2019 from his DCB Bank account to Punjab National Bank account No. 0432002100022453. However, when the complainant demanded return of the money, the accused persons abused him and extended threats to kill him. On the basis of the complaint dated 19.02.2020, the police found a *prima facie* case under Sections 420, 406 and 506 IPC and accordingly present FIR has been registered.

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 averred that the compromise amongst the parties was effected on account of free will and without any pressure and coercion. Hence, the present petition.

4. Pursuant to the orders passed by this Court dated 18.02.2026, a report has been received from the Judicial Magistrate, 1st Class, Hisar vide Memo No. 97 dated 23.03.2026. The relevant extract of the report reads thus:-

“(i) As per the version of the Investigating Officer concerned in the present case the initial FIR was lodged against aforesaid three accused persons;

(ii) There is only one complainant/victim in the present FIR;

(iii) All the accused and complainant/victim are party to the compromise and have signed the compromise;

(iv) Neither any other affected person (accused or complainant) has been left out or not arrayed as party, nor statement of any other person is to be recorded in compliance of directions of the Hon'ble High Court;

(v) No accused has been declared as proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication;

(vi) As per the statements recorded with respect to the compromise, the compromise is genuine, voluntary and out of free will of the parties, and without any coercion or undue influence;

(vii) As per the statement of the IO concerned no other criminal case is pending against the accused.

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. None has appeared on behalf of respondent No.2. However, on the last date of hearing, counsel for respondent No.2 had appeared and had affirmed the factum of compromise between the parties.

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 ***Gian Singh v. State of Punjab and Another***, reported as **(2012) 10 SCC 303**, wherein it was held as under:

61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or

complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and

the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(Emphasis supplied)

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 Judicial Magistrate 1st Class, Hisar 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 pertains to cheating and misappropriation of an amount of Rs. 4,01,625/- obtained by the accused persons from the complainant on the pretext of investment/business assistance with an assurance to return the same within 2–3 months.
- c. Petitioner No.1 is aged 52 years, petitioner No.2 is aged 36 years and petitioner No.3 is aged 49 years and continued incarceration in a criminal case would adversely affect not only their livelihood and professional standing but would also seriously prejudice their ability to discharge familial, social and financial obligations towards their dependents.
- d. 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.

- e. 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.
- f. Quashing of the proceeding would advance the cause of justice, promote harmony between the parties and became lasting peace and finality to the dispute.
- g. 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 Judicial Magistrate 1st Class, Hisar 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.0111 dated 19.02.2020 under Sections 406, 420, 506 of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar, along with all subsequent proceedings arising therefrom, **are hereby quashed** in view of the compromise deed dated 12.02.2026 (Annexure P-2).

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 21, 2026
Vishal Sharma

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