



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-10729-2026
Date of decision: 07.05.2026

HITESH KHATRIPetitioner

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Gaurav Arora, Advocate
for the petitioner.

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

Mr. Yashpal Thakur, Advocate
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.309 dated 21.11.2025 under Sections 204, 308(2) and 62 of the BNS, 2023 registered at Police Station Sector-14, Gurugram, District Gurugram along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.02.2026 (Annexure P-3).

2. The above FIR had been registered on the complaint of Krishna son of Mantu alleging to the effect that he is engaged in the work of lifting

malba/debris from houses and had rented an Eicher tractor trolley bearing registration No. HR26-AG-7613 and employed Vikas son of Mukesh as its driver. He had undertaken a contract for lifting debris from a house situated behind KV School in Sector-14, Gurugram. On 21.11.2025, during evening hours, the driver Vikas informed him telephonically that two persons had arrived at the site and claimed themselves to be the employees of MCG and were threatening to issue a challan for the tractor/trolley. Upon reaching the spot, he found the said persons demanding production of a licence for lifting debris and pressurizing him to pay Rs.10,000/- to avoid issuance of challan and impounding of the vehicle. When he asked them to show their identity cards as MCG employees, both became nervous and attempted to flee from the spot. One person was apprehended with the help of the driver, while the other escaped on a Bullet motorcycle. The apprehended person disclosed his name as Hitesh Khatri resident of Gurugram, whereas the absconding person was stated to be Pulkit. It is alleged that both accused persons falsely impersonated themselves as MCG employees and attempted to extort Rs.10,000/- from the complainant on the pretext of avoiding challan proceedings. Accordingly, the complainant approached the police and sought registration of FIR and legal action against the accused persons.

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 19.03.2026, a report has been

received from the Judicial Magistrate 1st Class, Gurugram vide Memo No. 110 dated 24.04.2026. The relevant extract of the report reads thus:-

“1. The number of accused arraigned in the FIR is only one accused namely Hitesh Kumar, who has appeared before this Court and made statement regarding compromise. There is no other accused in the instant FIR and the present accused Hitesh Kumar is not absconding or declared a proclaimed person in the case.

2. There is only one complainant in the present FIR namely Krishan, who has appeared before this Court and made statement regarding compromise with the accused.

3 The present case is at the stage of arguments on charge and is next fixed for 03.06.2026.

4. The undersigned being the Illaqua Magistrate is of the view that the compromise effected between the parties is genuine, voluntary and out of free will and volition of parties and it appear that parties are not under any kind of threat or coercion while suffering their respective statements with respect to compromise.

5. As per the report of IO as well as statement of accused Hitesh Kumar, no other criminal case is pending against the accused.

6. Other relevant facts

As per the final report/challan section 308(2), BNS, 2023, has been removed and section 308 (3), BNS, 2023, has been added.

The statement of Complainant-Krishan and accused-Hitesh Kumar in original along with self-attested copies of their Aadhar Cards and the statement/report of the Investigating Officer ASI Guldeen Khan no. 688/GGM, are being sent to the

Hon'ble High Court for kind perusal. The photocopies of the statements so recorded and this report be retained on the case file for record purposes.

5. Reply by way of an affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Old, Gurugram already stands filed and the same is taken on record.

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. Mr. Yashpal Thakur, Advocate appears on behalf of respondent No. 2 and reiterate the settlement and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

8. 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 'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another' (2017) 9 SCC 641' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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. The Hon'ble Supreme Court has held in '**Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834**', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

10. 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 First Class, Gurugram that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. Petitioners is 36 years old continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.
- c. The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.
- 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. 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.

11. In view of the report submitted by the Judicial Magistrate First Class, Gurugram 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.309 dated 21.11.2025 under Sections 204, 308(2) and 62 of the BNS, 2023 registered at Police Station Sector-14, Gurugram, District Gurugram and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 07.02.2026 (Annexure P-3). However, the same would be subject to payment of costs of **Rs.40,000/-** to be deposited by each of the petitioners with the “**Red Cross Old Age Home, A/c No.50100286016319, IFS Code HDFC0004030, HDFC Bank, Sector 15, Panchkula**” within a period of two months of receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 07, 2026
Vishal Sharma

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