



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

294

CRM-M-16954-2025 (O&M)

Date of decision: 20.01.2026

Gaurav @ Gaurav Tyagi and others

...Petitioner(s)

VERSUS

State of Haryana and others

...Respondent(s)

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

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

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Mr. Baljeet Nain, Advocate for respondents No. 2 to 4.

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 bearing No.314 dated 16.07.2019 under Sections 323, 34, 341, 506 (Sections 307, 325 and 427 added later on), registered at Police Station Baldev Nagar, District Ambala, along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.01.2025 (Annexure P-2).

2. The instant FIR was registered on the statement of Neha Sharma d/o Harsh Kumar which reads as thus :

“I am resident of above mentioned address and I run a coaching centre with my husband at Global Meritorious Academy Palika Vihar. Today at about 15.07.2019 I along with my husband went to market to purchase house hold goods on



Activa and with us on another Activa my father in-law Mohan Lal Sharma and my daughter Smridhi aged about 03 years and my friends daughter Aradhya aged about 04 years were also present and we from Manjit Chemist purchased a knee cover for mother in-law and after purchasing I and my husband and on another active my father in-law and two kids headed towards our home and my father in-law Mohan Lal Sharma stopped at Ashok Confectionary shop to purchase some eatable for kids. When I and my husband reached at Bhola Aata Chaki et about 07.30PM suddenly Gurwinder @ Gaimda came and stood in front of our active and hold the active handle and suddenly three persons hiding behind a cart came out, one of them was Gaurav son of Bhushan who lives near our house and I can identify other two when produced before me. They were holding iron rod and "binda", Gaurav gave a rod blow on the head of my husband and one person among them gave a "binda" to Gaimda and Gaimda attacked with "binda" to my husband and other two boys also started hitting my husband with iron rod and "binda". When I tried to save my husband then Gaimda pushed me and fell at a distance because of which I got hurt on my waist and head and then I raised hue and cry to save and after listening me my father in-law and other people gathered, after listening my father in-laws voice and seeing other persons gathering they all ran away from the spot along



with their weapons. And while running they threatened us that today you got saved next time we will kill you. And Gaurav stated that we have taken a revenge for the case registered by your father on my father Kulbhushan. Gaurav's intention was to kill my husband because he gave a rod blow on the head of my husband. I and my father in-law took my husband to Civil Hospital Ambala City and my husband was admitted to the hospital and treatment is going on. Strict legal action be taken against above Gaurav, Ganda and others.”

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 09.09.2025 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, report has been received from the Additional Sessions Judge, Ambala vide Memo No. 672 dated 24.10.2025. The relevant extract of the report is reproduced as under:-

“(1) Total number of persons found involved as accused in the dispute/FIR;

As per the investigating officer, there are four accused in the present FIR namely Gaurav Tyagi, Gurvinder Singh @ Ganda, Pawan Kumar and Hermant.



(II) *Number of complainant/victim(s);*

As per the investigating officer, Complainant in the present case is Neha Sharma w/o Harsh Sharma and there are two other victims/witnesses namely Mohan Lal Sharma and Harsh Kumar.

(III) *Whether all the accused and complainant/victims are party to compromise & signed the same;*

As per the joint statement of accused persons, all the affected persons/complainant party have been arrayed as party in the quashing petition filed before the Hon'ble High Court.

(IV) *In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof, OR*

His/her statement is still to be recorded, in compliance to the direction of this court, details of such person;

As per the joint statement of accused persons, all the affected persons/complainant party have been arrayed as party in the quashing petition filed before the Hon'ble High Court.

(V) *Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been imitated or pending adjudication;*

As per the Investigating Officer, neither any accused has been declared as proclaimed offender in the present case till



date, nor any such proceedings have ever been initiated in the present case.

(VI) Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence;

As per the statements of the parties the matter has been compromised between the parties of their free will and consent and without any undue pressure, influence and coercion.

(VII) Any other aspect relevant to the present case.”

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. Learned counsel appearing on behalf of respondent No. 2 to 4 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed and affirmed during statement before the trial Court.

8. Learned counsel appearing on behalf of the petitioners submits that the offence punishable under Section 307 of the Indian Penal Code is not made out on a plain reading of the allegations contained in the FIR. It is contended that the essential ingredient of *mens rea* i.e. a clear and deliberate intention or knowledge to cause death, is conspicuously absent in the present case. Learned counsel argues that Section 307 IPC postulates an act done with such intention or knowledge and that under such circumstances if death had ensued, the offence would have amounted to murder. It is further



submitted that the allegations disclose a sudden altercation arising out of a pre-existing dispute and the alleged act cannot be construed as one reflecting a calculated or premeditated design to commit murder. The injuries alleged do not, by themselves, establish an intention to cause death, particularly in the absence of any material indicating repeated blows aimed at vital parts with lethal force or persistence in the assault even after the victim was rendered helpless. The conduct attributed to the accused, at best reflects an impulsive act emanating from a momentary outburst rather than an assault imbued with the degree of intention or knowledge contemplated under Section 307 IPC. It is thus contended that the invocation of Section 307 IPC in the present case is wholly unwarranted and the allegations, even if accepted at their face value, do not satisfy the statutory requirements necessary to sustain the said charge. There is no medical opinion to establish the injury to be dangerous to life. The injury on the head has been classified as simple. Hence, charge under Section 307 of the Indian Penal Code, 1860 has been added on account of the intention and seat of injury and not on the basis of impact of the injury.

9. Learned State counsel, does not dispute the legal position so advanced. He fairly submits that the application of Section 307 IPC in the given factual matrix would, at most, be circumstantial and not supported by any material indicative of an intention to commit an offence of such magnitude. He further concedes that the facts may, at best, give rise only to an offence under Section 326 IPC, which is compoundable in nature. The State counsel also does not dispute the compromise effected between the



parties and raises no substantial objection to the dispute being resolved in terms of the said settlement.

10. I have heard the land Counsel for the parties and have gone through the documents appended with the present petition.

11. 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.”

12. 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.

13. 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 pertains to long-standing and pre-existing enmity between the parties and that the incident appears to have occurred in the heat of the moment, triggered by accumulated resentment and emotional discord between the parties, rather than pursuant to a calculated intention to commit a grave offence.
- (ii) The dispute is purely personal and private in nature, emanating from pre-existing animosity between the parties and does not involve any element of public



disorder or societal impact warranting continuation of criminal prosecution.

- (iii) Significantly, the parties have amicably resolved their differences and entered into a compromise with the intervention of respectable members of society, thereby restoring peace and harmony between them.
- (iv) The petitioners are in their mid thirties. Continuation of criminal proceedings is likely to have a serious and disproportionate impact on their future prospects and in the discharge of their social and professional obligations.
- (v) In view of the compromise so arrived at, the likelihood of the complainant and other injured persons supporting the prosecution case is remote and the probability of securing a conviction is also bleak.
- (vi) The FIR pertains to the year 2019 and the passage of considerable time since the occurrence renders the continuation of prosecution wholly unwarranted.
- (vii) The offences alleged cannot be characterised as heinous, nor can they be said to be of such gravity as to shock the conscience of society at large or of this Court.
- (viii) The continuation of criminal proceedings despite an amicable settlement would serve no larger public interest, and would only result in unnecessary harassment of the parties and futile consumption of valuable judicial time.



- (ix) In the totality of the circumstances, the continuation of the FIR and all proceedings emanating therefrom would amount to an abuse of the process of law and the ends of justice would be better served by quashing the same in view of the compromise arrived at between the parties.

13. In view of the report of the Additional Sessions Judge, Ambala 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 bearing No.314 dated 16.07.2019 under Sections 323, 34, 341, 506 (Sections 307, 325 and 427 added later on), registered at Police Station Baldev Nagar, District Ambala, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 21.01.2025 (Annexure P-2). However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by each of the petitioner(s) with the Red Cross Old Age Home, Account No.50100286016319, IFSC Code: HDFC0004030, HDFC Bank Sector-15, Panchkula within a period of two month(s) from receipt of certified copy of this order.

14. Petition is *allowed*.

(VINOD S. BHARDWAJ)
JUDGE

20.01.2026

Mangal Singh

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