

284

2026-05-21 11:14:14



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

**CRM-M-18651-2026 (O&M)  
DECIDED ON: 20.05.2026**

**NARESH KUMAR ALIAS KALU AND OTHERS**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Vikas Saroha, Advocate for the petitioners.

Mr. Viney Saini, AAG, Haryana.

Mr. Anubhav Siwach, Advocate for respondents No.2 & 3.

\*\*\*\*\*

**MANDEEP PANNU, J (ORAL)**

1. This is a petition filed under Section 528 BNSS (old u/s 482 Cr.P.C.) for quashing of F.I.R. No. 385 dated 17.12.2009 under Sections 148, 149, 307, 395 of IPC, 1860 [new Sections 191(3), 122, 109 and 310 of BNS] and Sections 25, 54 and 59 of Arms Act (Annexure P-1), registered at Police Station Kotwali, Faridabad District Faridabad, Haryana and for setting aside judgment of conviction and order of sentence dated 15.03.2018 passed by Id. Chief Judicial Magistrate, Faridabad (Annexure P-3), on the basis of compromise (Annexure P-2).
2. Vide judgment of conviction and order of sentence dated 15.03.2018 passed by the Chief Judicial Magistrate, Faridabad, the petitioners were sentenced as under:-

| Section    | Sentence           | Fine           | Default Imprisonment |
|------------|--------------------|----------------|----------------------|
| 323/34 IPC | R.I. for 06 months | Rs.1000/- each | S.I. for 15 days     |
| 324/34 IPC | R.I. for 01 year   | Rs.2000/- each | S.I. for 01 month    |

*All the substantive sentences shall run concurrently.*

3. Learned counsel for the petitioners submits that the prosecution of the petitioners is nothing but an abuse of the process of the Court. He submits that the petitioners stand convicted by the court of competent jurisdiction and have preferred an appeal against the judgment of conviction and order of sentence before the learned Additional Sessions Judge, which is presently pending adjudication. Learned counsel further contends that a compromise has been effected between the parties during the pendency of the said appeal and respondents No.2 & 3 do not want to prosecute the petitioners any more. Thus, the FIR along with all consequential proceedings alongwith judgment of conviction and order of sentence dated 15.03.2018 passed by the learned Chief Judicial Magistrate, Faridabad may kindly be quashed.

4. Learned counsel for respondents No.2 & 3 has affirmed the submissions made by counsel for the petitioners and thus, he has submitted that the *inter se* dispute between the parties is resolved amicably. Hence, he has no objection, if the FIR alongwith consequential proceedings including the judgment of conviction and order of sentence are quashed.

5. This Court vide orders dated 07.04.2026 and 30.04.2026 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise, and the trial Court/Illaq Magistrate was also directed to send its report.

6. The report dated 19.05.2026 has been received from Judicial Magistrate Ist Class, Faridabad, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

7. I have heard learned counsel for the parties, perused the record and the report sent by the learned Judicial Magistrate Ist Class, Faridabad.

8. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

9. Hon'ble Supreme Court in '**Ramgopal and another v. State of Madhya Pradesh**', 2021 (4) RCR (Criminal) 322 has held as under:

*"13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C., 1973 would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C., 1973 may lead to*

*rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. v. State of Punjab & Ors., (2014) 6 SCC 466** and **Laxmi Narayan (Supra)**.*

XXX

XXX

XXX

*19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C., 1973 or vested in this Court under [Article 142](#) of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C., 1973 Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."*

10. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the case would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of B.N.S.S. Keeping in view the fact that the dispute between

the petitioners and the complainants has been amicably resolved and that no dispute of any nature now survives between them, this Court is of the considered opinion that the present petition deserves to be allowed.

11. In view of the above, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, F.I.R. No. 385 dated 17.12.2009 under Sections 148, 149, 307, 395 of IPC, 1860 [new Sections 191(3), 122, 109 and 310 of BNS] and Sections 25, 54 and 59 of Arms Act (Annexure P-1), registered at Police Station Kotwali, Faridabad District Faridabad, Haryana and judgment of conviction and order of sentence dated 15.03.2018 passed by Id. Chief Judicial Magistrate, Faridabad (Annexure P-3), are hereby quashed qua the petitioners, on the basis of compromise (Annexure P-2).

12. Accordingly, the present petition is allowed.

13. All pending miscellaneous application(s), if any, stands disposed of.

**20.05.2026**

*Poonam Negi*

**(MANDEEP PANNU)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*