

2026:PHHC:044542



CRM No.42794 of 2025 in/and
CRR No.1987 of 2025

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

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**CRM No.42794 of 2025 in/and
CRR No.1987 of 2025
Date of decision : 19.3.2026
Date of uploading : 20.3.2026**

DalbirPetitioner
Versus
State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravinder Chaudhary, Advocate, for the petitioner

Ms. Mahima Yashpal, Senior DAG, Haryana

Mr. Chetan Gupta, Advocate, for respondent no.2
(through VC)

SUMEET GOEL, J. (ORAL)

1. The present revision petition has been filed impugning the judgment of conviction/order of sentence dated 7.2.2024 passed by Sub-Divisional Judicial Magistrate, Narwana in a complaint bearing CIS No.Nact-174/2022, CNR No.HRJNA00018422022 titled *M/s Chandi Ram Ramsarup v. Dalbir*, whereby the petitioner was convicted for commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881 and was sentenced to undergo Simple Imprisonment for a period of 01 year, along with compensation of Rs.11,00,000/- to be paid to the complainant. Further, the petitioner has



also impugned the judgment dated 6.8.2025 passed by the learned Additional Sessions Judge, Jind whereby, appeal preferred by the petitioner against the aforesaid judgment of conviction/order of sentence dated 7.2.2024 passed by learned Sub-Divisional Judicial Magistrate, Narwana, was dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner is ready to settle the matter and to show his *bona fide* he has placed on record a demand draft of ₹2 lakhs on 1.9.2025. Thereafter, the matter was compromised and the petitioner has placed on record compromise deed dated 8.9.2025 (Annexure P-3). Learned counsel has further argued that since the parties have amicably settled their disputes, the present petition deserves to be disposed of in terms of the said compromise, the offences be permitted to be compounded, and the petitioner be acquitted of the charges framed against him.

3. Learned counsel appearing for respondent No.2 has affirmed and ratified the factum of aforesaid settlement/compromise having been arrived at between the parties and has further vouched for the voluntariness and genuineness of the said settlement dated 8.9.2025 stated to have been executed between the parties. Accordingly, he has iterated that the complainant has no objection if the offences are permitted to be compounded, in accordance with law, and the petitioner is consequently acquitted of the charges framed against him.

4. Learned counsel for the petitioner has moved application under Section 147 of the Negotiable Instruments Act, 1881 read with Section



528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for compounding of offence, on the basis of compromise deed dated 8.9.2025 executed between the private parties and prays for compounding of the offences, in accordance with law.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052***. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is:

- (a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*
- (f) *Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and charge-sheet is filed/charges framed during the trial. Such*



exercise cannot be carried out while the matter is still under investigation.

- (g) *While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

7. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***, the relevant whereof reads thus:

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 of Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly 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 Page 10 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 extra-ordinary power under Section 482Cr.P.C. 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. 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. vs. State of Punjab & Ors.³ and Laxmi Narayan (Supra).”

7.1. The inherent jurisdiction under section 528 BNSS, 2023/Section 482 Cr. P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when a genuine compromise has been reached, the High Court may intervene to quash the conviction recognizing the continued proceedings would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, it's very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every



case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice nay substantial justice between the parties and to secure the ends of justice. Therefore, the High Court, in the exercise of its inherent power under section 528 BNSS, 2023/Section 482 Cr.P.C, 1973 has the discretion to quash a conviction where the parties have reached an amicable settlement, provided such compromise does not impinge upon the public interest or undermine justice, as well as the substantial justice.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS, 2023 to quash the impugned judgment(s)/order(s), as:

- (i) *Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*



- (ii) *The offences alleged are primarily of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition.*

9. Consequently, the petition is allowed. The impugned judgment of conviction/order of sentence dated 7.2.2024 passed by Sub-Divisional Judicial Magistrate, Narwana in a complaint bearing CIS No.Nact-174/2022, CNR No.HRJNA00018422022 titled ***M/s Chandi Ram Ramsarup v. Dalbir***, whereby the petitioner was convicted for commission of offence punishable under Section 138 of N.I. Act and was sentenced to undergo Simple Imprisonment for a period of 01 year, along with compensation of Rs.11,00,000/- to be paid to the complainant, and the judgment dated 6.8.2025 passed by the learned Additional Sessions Judge, Jind whereby, appeal preferred by the petitioner against the aforesaid judgment of conviction/order of sentence dated 7.2.2024 passed by learned Sub-Divisional Judicial Magistrate, Narwana, was dismissed, are, hereby, set aside and quashed. The petitioner is acquitted of the charge(s) framed against him.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

19.3.2026
Ashwanii

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