



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

310

CRM-M-59094-2025(O&M)

Date of decision: 14.01.2026

Balwan Singh and another

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Ms. Kashish Sahni, Advocate,
for the petitioners.

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

Mr. Pankaj Bains, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of FIR bearing No.750 dated 17.11.2016 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, at Police Station Model Town, Panipat, along with all subsequent proceedings arising therefrom on the basis of compromise dated- 19.09.2025 (Annexure P-2).

2. Briefly summarized, the aforesaid FIR was registered on the statement of Ashok, son of Pawan, resident of village Sutana, Tehsil Matlauda, District Panipat, relevant part of which is extracted as under:-

Sir, The applicant/complainant submits as under: (1) That the applicant/complainant Ashok son of Pawan is the resident of village Sutana, Tehsil Matlauda, P.S. Matlauda, District Panipat, who is a law abiding citizen. The above accused persons are also the residents of village Sutana, Tehsil Matlauda, District Panipat and are real brothers. (2) That the accused approached the applicant/complainant in September, 2012 and assured the applicant/complainant that as per the

jamabandi for the year 2000-01, both the brothers are the owners in possession of agricultural land, khewat No.512, khatauni No.892 to 897, Kitta 37, 1/18th share of the total area 260 kanals 8 marlas, measuring 14 kanals 9 marla, situated in village Sutana, Tehsil Matlauda, District Panipat. The accused offered to sell the above land for their personal needs and requested the applicant/complainant to purchase the same. Upon persuading by both the accused, the applicant/complainant agreed to purchase the above land. On 14.9.2012, the accused executed an agreement to sell the above land measuring 14 kanals 9 marlas at the rate of Rs.20,00,000/- per acre in favour of the applicant/ complainant. At the time of executing the agreement, both the accused received a sum of Rs. 30,00,000/- in cash from the applicant/complainant in the presence of the witnesses and the date of 1.10.2013 was fixed for getting the same registered. On 4.3.2013, both the accused upon the receipt of Rs.2,00,000/-in cash from the applicant/complainant, extended the date of registry upto 1.2.2014. (3) That due to the holidays on 1 and 2.2.2014, the office of the Registrar was closed. When the applicant/complainant came to Matlauda in the office of Registrar, then he came to know that since the Matlauda is a Sub-Tehsil, as such, the registration work is done on only two days i.e. Tuesdays and Fridays. On Tuesday i.e. 4.2.2014, due to the festival of Basant Panchmi, the office was closed. Thereafter the applicant/complainant remained present in the office of Tehsil on 7.2.2014 alongwith the balance amount and the expenses of the registry as per the agreement, but both the accused did not appear in the office of Tehsil for getting the registry of the above land in favour of the applicant/complainant. Thereafter the applicant/complainant got his presence marked before the Tehsildar. (4) That the applicant/complainant got verified the land mentioned in the agreement dated 14.9.2012 from the revenue record of the

office of Tehsil, Matlauda, then the applicant/complainant came to know that both the accused are not the owners of the land mentioned in the agreement. The accused Balwan had sold his entire share to Sunder Singh son of Sh.Surat Singh, resident of village Siwah, Tehsil & District Panipat vide registered deed No.229 dated 25.5.2000, the mutation of which has been entered in the revenue record vide mutation No.2514. Similarly, the accused Rajpal has also sold all his land to Sunder Singh son of Sh.Surat Singh, resident of village Siwah, Tehsil & District Panipat vide registered deed No.36 dated 17.4.2001, the mutation of which has been entered in the revenue record vide mutation No. 2515. Besides this, there is no land in the name of the accused persons in village Sutana. (5) That the applicant/complainant brought this fact to the notice of the accused and asked them to return the earnest money of Rs.32,00,000/-. Then the accused No.1 issued three cheques bearing No.000001 dated 27.1.2016, 000003 dated 9.12.2015 and 000004 dated 15.12.2015 for a sum of Rs.5 lacs each, drawn at H.D.F.C. Bank, Panipat and accused No.2 issued a cheque bearing No.312776 dated 1.12.2015 for a sum of Rs.7,00,000/- drawn at State Bank of India, in respect of the applicant/complainant and assured the applicant/complainant to give the balance amount in cash later on. (6) That the applicant/complainant presented all the cheques issued by the accused for encashment. All the cheques were dishonoured by the bank due to insufficient funds in the account of the accused. The accused had not returned the earnest money of Rs.32,00,000/- to the applicant/complainant upon demand. (7) That the accused in connivance with each other with the intention to cheat the applicant/complainant, deliberately executed a false agreement in favour of the applicant/complainant on the basis of the forged documents, usurped a sum of Rs.32,00,000/- from the applicant/complainant. All the cheques issued by the accused

persons have been dishonoured by the bank. (8) That when the applicant/complainant told the accused about taking the legal action against them and asked them to return the amount of Rs.32,00,000/-then the accused persons started threatening to kill the applicant. The accused No.2 threatened the applicant that he is posted as Inspector in Haryana Police and if he would think of taking legal action against them, then he would implicate him in a serious case. (9) That the applicant/complainant made a complaint dated 2.8.2016 through registered post to the Hon'ble Chief Minister, Government of Haryana, D.G.P., Haryana Police, I.G. Rohtak Range, Rohtak, Superintendent of Police, Panipat, S.H.O. Model Town, Panipat and S.H.O. Police station Matlauda, Panipat. But the accused No.2 by misusing his position did not allow to take any action on any of the complaints of the applicant/complainant. (10) That the accused deliberately with the intention to cheat the applicant/complainant, executed a false agreement dated 14.9.2012 in favour of the applicant/complainant, signed the same, usurped a sum of Rs.32,00,000/- from the applicant/complainant. Now the above accused persons are threatening the applicant and his family to kill them. The applicant and his family is under continuous danger to their life and property. (11) That the applicant/complainant and the accused persons are the residents of village Sutana, P.S. Model Town, Panipat, which is within the jurisdiction of this Hon'ble Court, thus this Hon'ble Court has got the territorial jurisdiction to entertain and adjudicate upon the present complaint. (12) That a requisite court fee has been affixed on the complaint. Thus, it is requested that on the complaint of the applicant/complainant, S.H.O., Police station Model Town, Panipat may be directed under Section 156 (3) Cr.P.C. to register an F.I.R. against the accused under Sections 420/406/467/468/471/506/120-B IPC. Sd/- Applicant. Ashok son of Sh.Pawan, resident of Village Sutana,

Tehsil Matlauda, District Panipat. Upon receipt of the complaint in the police station under Section 156 (3) Cr.P.C. from the Court of Smt. Sonia Sheokand, JMIC, Ist Class, Panipat, through post, an FIR bearing No.750 dated 17.11.2016 under Sections 420/406/467/468/471/506/120-B IPC has been registered in police station Model Town, Panipat and the print outs of the copies of the FIR have been taken out.”

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition. The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 17.10.2025 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.

4. Pursuant to the said order, a report has been received from the Judicial Magistrate First Class, Panipat, vide Memo No.26127 dated 29.11.2025. The relevant extract of the report is reproduced as under:-

*“2- Accordingly, statements of complainant namely **Sh. Ashok Kumar son of Sh. Pawan Kumar** and accused person namely **Balwan Singh son of Sh. Rambhajand Rajpal son of Sh. Rambhaj** have been recorded on 15.11.2025 after duly identifying them through their Aadhaar Cards, photographs as well as by their counsels. Further, the report of investigating officer was received on 24.11.2025. Further, vide order dated 15.11.2025 it has been observed by the Ld. Trial court that the "Accused persons namely Balwan Singh and Rajpal jointly stated that compromise has been effected with complainant in the present case. Thus, from the above said statements it is clear that the parties have compromised the matter without any pressure." Further, the Ld. Trial court has proceeded on medical leave from 24.11.2025 to 08.12.2025. Accordingly, on the basis of the above said statements, the pointwise report is*

submitted by undersigned in capacity of Link Magistrate and the same is as follows:-

*(i) As per report of Investigating officer and as per final report under Section 173(2) Cr.P.C., there are two accused persons in the present FIR namely **Balwan Singh and Raj Pal both sons of Sh. Ram Bhaj** and charge sheet has been filed against them.*

*(ii) As per perusal of file and report of IO, there is only one complainant in the present FIR namely **Ashok Kumar** son of Sh. Pawan Kumar.*

(iii) As per perusal of file, all the accused persons and complainant have entered into compromise and have suffered statements in support of the compromise and signed the same before the court.

(iv) As per report of Investigating Officer and as per final report under Section 173(2) Cr.P.C., there are no other affected parties left out in the quashing petition before the Hon'ble High Court as there was only one complainant Ashok Kumar and he has been arrayed as a party.

(v) As per report of Investigating officer, accused persons have not been declared as proclaimed offenders in this case or in any other case and no such proceedings are pending against them.

(vi) With respect to the genuineness, voluntariness and authenticity of the compromise, it is submitted that as per order dated 15.11.2025 passed by Ld. Trial court, it is categorically recorded that parties have compromised the matter without any pressure. Further, parties were duly identified by their Aadhaar Cards as well as Counsels and photographs. Therefore, prima-

facie it appears that the compromise arrived at between the parties is genuine, voluntary, out of free will, without any coercion or undue influence.

(vii) No other aspects relevant to the present case have come forth.”

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. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

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 '**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.

8. 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.

9. 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:-

(i) A monetary dispute arose between the petitioners and the respondent-complainant over possession of agricultural land.

(ii) The petitioners are aged 55 years and are brothers;

(iii) The petitioners and the respondent-complainant belong to the same village and putting a quietus to the proceedings would bring much-needed peace and harmony.

(iv) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

10. In view of the report of the Judicial Magistrate First Class, Panipat and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The FIR bearing No.750 dated 17.11.2016 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, at Police Station Model Town, Panipat, along with all subsequent proceedings arising therefrom, is hereby quashed in view of the compromise dated 19.09.2025 (Annexure P-2).

11. Petition is allowed in the above terms.

14.01.2026

Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No