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

2026:PHHC:005815



CRM-M-62252-2025 (O&M)

Date of decision: 16.01.2026.

HARISH KUMAR

...Petitioner(s)

VERSUS

THE STATE OF HARYANA AND ANOTHER

...Respondent(s)

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

Present :- Mr. Dhruv Gupta, Advocate,
for the petitioners.

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

Ms. Titiksha, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.321 dated
29.09.2025 under Section(s) 115, 117(2) and 351(2) of the Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Ambala City, District Ambala

along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.10.2025 (Annexure P-2).

2 Briefly summarised, aforesaid FIR was registered on the statement of the complainant, who stated that he earns his livelihood by transporting goods on a rickshaw in the area of Ambala. It was stated that about two years prior to the occurrence, he had transported household goods belonging to one Harish, a resident of Ambala, from his earlier rented accommodation to another house situated in Badshahi Bagh Colony, Ambala, for which he had undertaken nine trips. The agreed wages for the said work were Rs.900/-, out of which only Rs.400/- had been paid to him, leaving a balance of Rs.500/- outstanding. It was further stated that the complainant had repeatedly requested Harish to pay the remaining amount, but the latter kept postponing the payment on one pretext or another. On 26.09.2025, at about 3:30 p.m., the complainant met Harish near a ply shop and again demanded payment of his pending wages, upon which Harish started abusing the complainant, picked up a quarrel and threatened him that he would never demand money thereafter and that he would be taught a lesson for asking for his dues. Thereafter, Harish pushed the complainant with force, causing him to fall onto bricks, as a result of which he sustained a fracture of the pelvic bone. It was further stated that while the complainant was lying on the ground, Harish kicked him. On hearing the commotion, people present at the spot intervened and rescued the complainant. It was also stated that while leaving the spot, Harish threatened the complainant that he was being spared that day and that if he ever demanded the money again, he would be killed. The complainant stated that he was thereafter admitted to the hospital by an

acquaintance for treatment of his injuries. On the basis of the said allegations, the complainant prayed that strict legal action be taken against Harish Kumar for causing injuries to him and for extending threats.

3 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 07.11.2025 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, report has been received from the Chief Judicial Magistrate, Ambala, vide Memo No.1264 dated 14.11.2025.

The relevant extract of the report is reproduced as under:-

“2. As per directions of Hon'ble High Court vide Order dated 07.11.2025, on 12.11.2025 complainant Harish Kumar appeared before the Court and got recorded his statement to the effect that he is the only aggrieved person/complainant in the present case. He got the above said FIR registered against accused Harish Kumar. Now with the intervention of respectables of the society and relatives, the dispute between him and accused has been compromised. This compromise is genuine, voluntary and without any coercion or undue influence. Now, he has no grudge against the above named accused. He has no objection, if the present FIR is quashed as per the above said compromise.

3. Thereafter, accused Harish Kumar got recorded his statement, wherein he stated that he has been arrayed as accused in FIR No.321 Dated 29.09.2025, registered under Sections 115, 117(2), 351 (2) of BNS at Police Station Ambala City. He has compromised the matter with the complainant voluntarily and without any pressure or undue influence from any side. He is bound by the terms and conditions of the compromise. He has never been declared as proclaimed person. He is giving this

statement voluntarily and on basis of free will. The compromise is genuine, voluntary, without any coercion or undue influence. No other FIR is pending against him.

4. *Thereafter, ASI Narsh Kumar, No. 12/Ambala, Investigating Officer, Police Station Baldev Nagar, got her statement recorded, wherein he stated that there is only one accused, who has been arrayed in the present FIR, who has come present before the Court and has made stateinent. The accused has not been declared proclaimed person in the present case neither any such proceedings have been initiated or pending against him. The accused is not involved in any other FIR.*

5 *As per statement of Investigating Officer ASI Naresh Kumar, there is only one accused namely Harish Kumar, who has been arrayed in the present FIR, who has come present before the Court and has made statement. The accused has not been declared proclaimed person in the present case neither any such proceedings have been initiated or pending against him. The accused is not involved in any other FIR. There is only one complainant/injured namely Sodhi Singh.*

The matter has been compromised by the complainant with accused Harish Kumar without any coercion, pressure or undue influence from any side, who has no objection with regard to quashing of FIR on the basis of compromise. The Report is sent to your goodself.”

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 for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) 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 noncompoundable.

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 the matter of '**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 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 BNSS:-

- (i) The incident arises out of a monetary dispute of a trivial nature, namely non-payment of labour charges, which is personal in nature and does not have any wider societal ramifications or elements of public disorder warranting continuation of criminal proceedings;
- (ii) The allegations arise out of a spur-of-the-moment quarrel and flowing from heightened emotions at the relevant point of time, rather than a calculated criminal intent;
- (iii) The petitioner is about 47 years of age, is a settled member

of society and continued criminal prosecution and the attendant rigours thereof are likely to cause grave and disproportionate prejudice to him in the discharge of his social, familial and professional obligations;

(iv) The parties have amicably compromised and settled the dispute with the intervention of respectable members of society, thereby restoring peace and harmony between them;

(v) In view of the settlement arrived at, the likelihood of the complainant supporting the prosecution case is remote, and the probability of securing a conviction is bleak.

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

(vii) Continuation of the criminal proceedings in the aforesaid circumstances would serve no larger public purpose, and would only result in avoidable harassment of the parties and futile expenditure of valuable judicial time, thereby amounting to an abuse of the process of law.

10 In view of the report of the Chief Judicial Magistrate, 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.321 dated 29.09.2025 under Section(s) 115, 117(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Ambala City,

District Ambala, along with all subsequent proceedings arising therefrom is hereby quashed on the basis of compromise dated 16.10.2025 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

January 16, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*