



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-62036-2025
Date of decision: 11.05.2026

SANDEEP AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Kamal Chaudhary, Advocate
for the petitioners.

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

Ms. Anjali Chaudhary, Advocate for
Mr. Gaurav Verma, Advocate
for respondent No.2.

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 No.655 dated 23.09.2023 registered under Sections 379A and 34 of the Indian Penal Code, 1860, at Police Station Palla, District Faridabad, along with all subsequent proceedings arising therefrom on the basis of compromise dated 31.10.2025 (Annexure P-2).

2. The above FIR had been registered on the complaint of Upendra Bainsla son of Jatan Pal Bainsla alleging to the effect that on 23.09.2023 at about midnight, he was returning to his house at Etmadpur from his rented accommodation situated at Dheeraj Nagar-II. When he reached near Premi Gas, suddenly one motorcycle of Splendor make carrying two unknown persons came near him and stopped. The complainant initially presumed that the said persons intended to ask for directions, however, they immediately started snatching his belongings. Due to the sudden attack and fear caused by the assailants, the complainant could not resist. The accused persons forcibly robbed the complainant of his gold chain, mobile phone and cash amounting to Rs. 8,000/- kept in the pocket of his jeans. Thereafter, the accused persons pushed the complainant forcefully and fled away from the spot towards the cremation ground on the said motorcycle. One of the assailants was fat in appearance. The complainant could not ascertain the registration number of the motorcycle due to the sudden occurrence and darkness. After the incident, the complainant went to the company where he is employed as a Supervisor, informed about the incident and thereafter proceeded to lodge the present complaint. Thus, the present FIR was got registered against the petitioners.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

4. Pursuant to the order dated 06.11.2025, a report has been received from the Additional District & Sessions Judge, Faridabad vide

Memo No. 808 dated 01.12.2025. The relevant extract of the report reads thus:-

As directed by the Hon'ble High Court, the point-wise information are as under:-

- 1. There are two persons as accused in the FIR*
- 2. No accused is proclaimed offender/person in this case.*
- 3. The case is fixed for prosecution evidence.*
- 4. The compromise is genuine, voluntary and without any coercion or undue influence.*
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. Ms. Anjali Chaudhary, Advocate for Mr. Gaurav Verma, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and her concurrence to the quashing of the FIR alongwith all the other consequential proceedings.
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 ***“Narinder Singh versus State of Punjab”*** **(2014) 6 SCC 466** wherein it was held as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have

settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against*

the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie*

assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

8. 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:-

- a. It is established from the report of Additional District & Sessions Judge, Faridabad that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. Petitioners are in their early twenties and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.

- c. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- d. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Additional District & Sessions Judge, Faridabad and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The aforesaid FIR No.655 dated 23.09.2023 registered under Sections 379A and 34 of the Indian Penal Code, 1860, at Police Station Palla, District Faridabad and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 31.10.2025 (Annexure P-2). However, the same would be subject to payment of costs of **Rs.25,000/-** to be deposited by each of the petitioners with the "**Red Cross Old Age Home, A/c No.50100286016319, IFS Code HDFC0004030, HDFC Bank, Sector 15, Panchkula**" within a period of two months of receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 11, 2026
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No