



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

268

CRM-M-63700-2025(O&M)

Date of decision: 28.04.2026

Dinesh Kumar and others

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Rakesh Chahar, Advocate for the petitioners.

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

Mr. Anoop Kaushik, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.230 dated 08.12.2018 under Sections 323, 325, 148, 149, 120-B, 341 of Indian Penal Code, 1860 and Section 3(2)(v) of SC & ST Act, 1989 registered at Police Station Behal, District Bhiwani along with all subsequent proceedings arising therefrom on the basis of compromise dated 10.11.2025 (Annexure P-2).

2. The aforesaid FIR was registered on the statement of Praveen son of Dalbir resident of Sandwa, District Bhiwani, relevant part of which is extracted as under:-

“.....I live at the above address and work as a labourer. My maternal uncle Rajendra, resident of Bidhwan, is a mason. I also work with my maternal uncle Rajendra and live with him in Bidhwan. I come home approximately once in 15-20 days. On 6.12.18, I was coming to my village Sandwa on my uncle's

motorcycle Delux number HR-17A-2416. When I was going to my village via Katwar Busan, after leaving Busan village, when I reached near Sidh Yogi Baba temple at around 6.30 PM, a white coloured Alto car with a black roof was parked on the side of the road and a boy was sitting on the driver's seat and four boys were holding sticks in their hands. They stopped me by standing in front of my motorcycle and as soon as I was stopped, all of them started beating me. Two of those boys had tied a cloth on their mouths, one of whom is Sandeep son of Omprakash resident of Bidhwan caste Jat, the son of my uncle, whose name I do not know, I can identify him if he comes in front, nor do I know the names and addresses of the other boys with him. These four boys hit me all over my body with sticks, resulting in fractures to the fingers of my left hand, and injuries to both my legs and waist. They left me unconscious and fled in their Alto car. I regained consciousness only after reaching home and found out that a boy from my village, belonging to the Jile Singh caste Jat, and another boy with him, had picked me up from there in an unconscious situation and brought me home. My uncle's son, Ankush, son of Suraj Bhan, and my father arranged for transportation from home and admitted me to be taken to Haryana Hospital, Isharwal. From there, they asked me to be taken to Hisar, so my family brought me to Surya Hospital, Hisar, where I am currently undergoing treatment. I have no enmity with these boys. But around a month ago, Sandeep, son of Omprakash, caste Jat, resident of Bidhwan, had a dispute with my maternal uncle's son, Ashok, son of Sushil, over Ashok's tractor driving over mud near Sandeep's house. I intervened and resolved the matter. The dispute ended that day, but Sandeep told me, "Dhed (a caste-indicating word), you'll have to face the consequences. We'll definitely see you when we get a chance." I strongly suspect that Sandeep, resident of Bidhwan, had these injuries inflicted on me on 6.12.2018. One of them was Sandeep's uncle's son. On 6.12.2018, I had settled

the matter with my maternal uncle Rajendra and brought 30,000 rupees. When I returned home, I didn't find it. I don't know if the boys took it away or it fell somewhere during the fight.”

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 13.11.2025 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 Additional Sessions Judge, Bhiwani, vide Memo No.223 dated 04.12.2025.

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

<i>Name of the reporting Court</i>	<i>Court of Ashish Kumar Sharma, Additional Sessions Judge, Bhiwani</i>
------------------------------------	---

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
230	08.12.2018	Behal, Bhiwani	323, 325, 148, 149, 120-B, 341 of IPC and Section 3(2)(v) of SC & ST Act, 1989

<i>Criminal Case No. before Trial Court</i>	<i>CIS No.SC-54-2019 CNR No.HRBH01—000937-2019</i>
---	--

1.	<i>Total number of persons found involved as accused in the dispute/FIR.</i>	<i>1. Dinesh Kumar aged about 33 years, son of Sh. Bhal Singh, resident of House No 1013, Ward No. 10, VPO Gurera (131) Tehsil and District Bhiwani, Haryana-127046</i> <i>2. Sombir aged about 25 years, son</i>
----	--	--

		<i>of Sh. Raj Kumar, resident of House No 102, Ward No. 5, VTC, VPO Tehsil Siwani, District Bhiwani, Haryana-127046</i> <i>3. Vikas Singh aged about 29 years, son of Sh. Prithvi Singh, resident of House No. 159, Ward No. 5, VPO Bidhwan (131) Tehsil and District Bhiwani, Haryana-127046</i> <i>4. Ramniwas aged about 40 years, son of Sh. Meva Singh, resident of Ward No.04. Tehsil Siwani and District Bhiwani, Haryana-127046</i>
2.	<i>Name of the complainant/victims(s)</i>	<i>Parveen Kumar aged 33 years son of Sh. Dalbir, resident of House No. 570, VPO Sandwa(16), Tehsil & District Bhiwani, Haryana -127043</i>
3.	<i>Whether all the accused and complainant/victims are party to the compromise and signed the same.</i>	<i>Yes</i>
4.	<i>In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof, OR His/her statement is still to be recorded, in compliance to the direction of this court, details of such person;</i>	<i>No</i>
5.	<i>Whether any accused has been declared as a proclaimed offender/ person or any such proceedings against him/her have been initiated or pending adjudication.</i>	<i>None of the accused has been declared as a proclaimed offender/person.</i>

6.	<i>Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence.</i>	<i>Yes, The compromise between the complainant and all accused appears to be genuine, voluntary, without coercion or undue influence.</i>
7.	<i>Any other aspect relevant to the present case.</i>	<i>No</i>

5. Reply dated 12.04.2026 by way of an affidavit of Surender Kumar, HPS, Deputy Superintendent of Police, Siwani, District Bhiwani has already been filed on behalf of the respondent-State. The same is taken on record. 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 guidelines 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 vs. State of Punjab, 2014 (2) RCR(Criminal) 482, 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. While adjudicating a petition seeking quashing of an FIR registered under SC/ST Act, Hon'ble Supreme Court in the case of **Ramawatar vs. State of Madhya Pradesh** reported as **2021 SCC Online SC 966**, held that in view of compromise entered into between the parties, this Court in exercise of its inherent jurisdiction under Section 528 BNSS (erstwhile Section 482 Cr.P.C.) can quash the proceedings, if satisfied, that the same would amount to abuse of process of law. The relevant extract thereof reads as under:

16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting

the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a “special statute” would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 CrPC.

19. We may hasten to add that in cases such as the present, the courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the courts should consider, would depend on the facts and circumstances of each case.

20. Having considered the peculiar facts and circumstances of the present case in light of the aforestated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

20.4.Fourthly, the complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

20.6.Sixthly, the appellant and the complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement.

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)The incident in question is an isolated in nature and confined to the parties alone, without any broader impact on public order, peace or societal interest.
- (ii) The allegations though involving use of force and abusive conduct do not disclose any grievous injury or an irreversible harm, thereby reducing the gravity of the offence.
- (iii)Petitioner No 4 is a middle aged person and continuation of criminal proceedings would affect the discharge of his family and social obligations.
- (iv)Petitioners No. 1, 2 & 3 are young individuals and continued prosecution is likely to cause disproportionate prejudice to their future prospects, livelihood and chances of social rehabilitation.
- (v) The FIR pertains to the year 2018 and the prolonged pendency of criminal proceedings has itself caused continued anxiety and hardship to the parties, without any

corresponding advancement to the cause of justice.

(vi) Significantly, the parties have amicably resolved their disputes and entered into a compromise of their own free will, with the intervention of respectable members of the society.

(vii) In view of the compromise so arrived at, the likelihood of the complainant supporting the prosecution case is remote and the probability of securing a conviction is also bleak.

(viii) The continuation of criminal proceedings would serve no larger public purpose and would only result in unnecessary harassment of the parties and futile expenditure of valuable judicial time.

10. In view of the report of the Additional Sessions Judge, Bhiwani 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 No.230 dated 08.12.2018 under Sections 323, 325, 148, 149, 120-B, 341 of Indian Penal Code, 1860 and Section 3(2)(v) of SC & ST Act, 1989 registered at Police Station Behal, District Bhiwani along with all subsequent proceedings arising therefrom is hereby quashed in view of the compromise dated 10.11.2025 (Annexure P-2).

11. Petition is **allowed** in the above terms.

28.04.2026

Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No