



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

274

CRM-M-44943-2025

Date of decision: 10.09.2025

BIRBAL AND ANOTHER

...PETITIONER

V/s

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vishal Mittal, Advocate for the petitioners.

Mr. Vishal Singh, AAG, Haryana.

Ms. Jyotsna Saini, Advocate for  
Mr. Ashish Yadav, Advocate for respondents No.2 and 3.

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**SUMEET GOEL, J.**

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.34 dated 13.02.2015 under Sections 323, 506 of IPC and Sections 326 and 34 of IPC (added later on) registered at Police Station Farrukhnagar, District Gurugram as well as the conviction judgment dated 04/05.02.2021 passed by the Court of Ms. Garima Yadav, Learned Judicial Magistrate, First Class, Pataudi passed in the above FIR, and all consequential proceedings arising therefrom on the basis of compromise dated 06.08.2025 (Annexure P-3), which is stated to have been effected between the parties.

2. On 20.08.2025, the following order was passed:

*“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and judgment of conviction dated 04/05.02.2021 (Annexure P-2) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties. Learned counsel for the petitioners has submitted that all concerned are parties to*



*the present petition in terms of the dicta of the Division Bench judgment of this Court passed in 'Rakesh Das Vs. State of Haryana and another', Neutral Citation: 2024:PHHC;147654-DB.*

*Notice of motion.*

*At this stage, Mr. Tarun Aggarwal, Addl.AG, Haryana has put in appearance on behalf of respondent No.1-State of Haryana and accepts notice.*

*Ms. Jyotsna Saini, Advocate has filed vakalatnama for respondent Nos.2 & 3. The same be taken on record.*

*The parties are directed to get their statements recorded qua the factum of compromise in the following manner:*

*(i) The parties shall appear before the Sessions Court concerned at Gurugram on 21.08.2025 or any date thereafter as fixed by the said Court for recording statements of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, Sessions Court shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the Sessions Court to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the Court concerned.*

*(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*

*(iii) The Sessions Court may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of Sessions Court.*

*After recording the statements of all the affected parties in either of the aforesaid manner, the concerned Sessions Court shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.*

*The Sessions Court, Gurugram shall also report as regards the following facts after seeking information from Investigating Officer, concerned:*

*(i) Whether there is any other accused other than the petitioner, arrayed in this petition?*

*(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*



*(iii) Whether any accused has been declared Proclaimed Offender?*

*The report be submitted before this Court before the next date of hearing i.e. 10.09.2025.”*

3. Pursuant to the aforesaid order, report dated 29.08.2025 from Additional District & Sessions Judge, Gurugram has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“i). As per the statement of Investigating Officer, only accused Sunder and Birbal are accused in the present case who are arrayed as petitioners in the quashing petition before the Hon'ble High Court.*

*ii). The Investigating Officer submitted that the Narender is the complainant and Surender is the victim. They are the only affected/aggrieved parties who are also the respondents in the quashing petition before the Hon'ble High Court.*

*iii). As per the statement of Investigating Officer, appellants Sunder and Birbal were never declared proclaimed offender/person in any case by any Court as per the record.”*

4. Learned counsel for respondent Nos.2 and 3 admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed along with the judgment of conviction dated 04/05.02.2021.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-3).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. 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 and 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 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 chargesheet 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.

8. 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.<sup>3</sup> and Laxmi Narayan (Supra).”*

8.1. The inherent jurisdiction under Section 528 BNS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and 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, its 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.

9. 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 FIR as also the judgment of conviction dated 04/05.02.2021 :-

- (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.*

10. Consequently, the petition is allowed. FIR No.34 dated 13.02.2015 under Sections 323, 506 of IPC and Sections 326 and 34 of IPC (added later on) registered at Police Station Farrukhnagar, District Gurugram as well as the conviction judgment dated 04/05.02.2021 passed by the Court of Ms. Garima Yadav, Learned Judicial Magistrate, First Class, Pataudi passed in the above FIR, and all consequential proceedings arising therefrom on the basis of compromise dated 06.08.2025 (Annexure P-3), are, hereby, quashed qua the petitioners.

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

**(SUMEET GOEL)**  
**JUDGE**

**10.09.2025**

*jatn*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No