

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

(253)

CRM-M-38207-2025

Date of Decision:28.08.2025

JASBIR SINGH AND OTHERS**...Petitioners****Vs.****STATE OF HARYANA AND ANOTHER****...Respondents****CORAM:- HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Randeep Tanwar, Advocate for the petitioner.
Mr. Amrik Singh Narwal, DAG, Haryana.
Mr. Chakitan V.S. Papta, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. Present petition has been filed by the petitioners under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 ('BNSS' for short) for quashing of FIR No.144 dated 31.03.2023 registered under Sections 120-B, 323, 377, 406, 498-A, 506 IPC at Police Station Baldev Nagar, District Ambala (Annexure P-1) and all other proceedings arising therefrom on the basis of the compromise (Annexure P-2).
2. Keeping in view the fact that the parties entered into a compromise, and vide order dated 21.07.2025, this Court directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 19.08.2025 has been received from the Judicial Magistrate 1st Class, Ambala, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.
3. Learned State Counsel and learned counsel for respondent No. 2 admits the factum of compromise and submits that she has no objection to quashing of the FIR on that basis.

4. It is to be noted here that apart from usual Sections invoked in matrimonial disputes, i.e., Section 498-A, in the present FIR, Section 377 IPC has also been invoked. However, the matter has now been settled between the parties and this Court has to take a call as to whether the FIR in question can be quashed or not. The power of the High Courts to quash the criminal proceedings while exercising its inherent powers under Section 528 BNSs even for the offences which are not compoundable under BNSs, has been discussed in a number of judgments. In ***Gian Singh v. State of Punjab & Anr. reported as (2012) 10 SCC 303***, the Supreme Court has observed as under:

"61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like



the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

5. While relying on ***Gian Singh (supra)***, this position has further been clarified in ***Narinder Singh & Ors. v. State of Punjab & Anr. (2014) 6 SCC 466***, wherein the Supreme Court has observed 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."

6. Subsequently, in ***State of M.P. v. Laxmi Narayan & Ors. reported as (2019) 5 SCC 688***, the Supreme Court has reiterated the settled principle of law and observed as under:



"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;"

7. Considering settled principles of law as laid down by Hon'ble the Supreme Court and by this Court in plethora of judgments, it is apparent that when the parties have entered into a compromise, the continuation of the proceedings would be merely an abuse of process of law and ends of justice would be met by allowing and accepting the prayer of the petitioner, by quashing the present FIR, which is primarily the object of the statutory provision enacted under Section 528 BNSS. Moreover, it is made clear that this Court is exercising its powers under Section 528 BNSS to quash an FIR which include an offence under Section 377 IPC, on the ground that the parties have compromised the matter only because it arises out of a matrimonial dispute.



8. Consequently, this petition is allowed. FIR No.144 dated 31.03.2023 registered under Sections 120-B, 323, 377, 406, 498-A, 506 IPC at Police Station Baldev Nagar, District Ambala (Annexure P-1) and all other proceedings arising therefrom on the basis of the compromise (Annexure P-2), are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 10,000/- to be deposited by the petitioners collectively, and Rs. 5,000/- to be deposited by respondent No.2 within one month from today in ***Punjab State Legal Services Authority-Disaster Relief Fund, Account No. 44426937384, IFSC Code-SBIN0014656.***

(ALOK JAIN)
JUDGE

28.08.2025
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*