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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:120480



CRM-M-11034-2025 (O&M)

Date of decision: 04.09.2025.

GAURAV TYAGI AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

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

Present :- Mr. Navjit Singh, Advocate,
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Ram Bhati, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

By means of the instant petition, the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (hereinafter referred to 'BNSS 2023') has been invoked for seeking quashing of FIR No.222 dated 11.05.2018 under Section(s) 323, 506 and 34 of the Indian Penal Code, 1860 (hereafter to be referred as 'IPC') (Sections 325, 341, 120-B and 34 of the IPC added later on during framing of charge)

registered at Police Station Baldev Nagar, District Ambala and all other consequential proceedings arising therefrom, on the basis of compromise dated 21.01.2025 entered between the parties.

2 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 27.02.2025 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.

3 Pursuant to the said order, report has been received from the Judicial Magistrate First Class, Ambala, vide Memo No.397 dated 15.04.2025. The relevant extract of the report is reproduced as under:-

“After recording of statements of both the parties and Investigating Officer, the point wise report is as follows:-

(1) & (ii). Compromise has been effected by parties with consent, the compromise is genuine, valid, voluntary, bonafidely which is not result of any pressure or coercion etc. in any manner.

(iii) Complainant/injured Harsh Kumar and witness Mohan Lal Sharma are the aggrieved and accused persons namely Gaurav Tyagi, Gurvinder Singh Gainda and Sumit Kumar Sunny who all have appeared to make a statement with respect to compromise. They are all party to the compromise. Pertinently, on account of death of co-accused Kulbhushan Tyagi, his death report was called which is now received as Ex.PX.

(iv) As per the statement of Investigating Officer, there is no case/FIR are pending against the complainant/victim Harsh Kumar and witness Mohan Lal Sharma.

As per the statement of Investigating Officer, except the present case/FIR, there are three cases/FIR are pending against accused namely Gurvinder Singh as follows:-

| <i>FIR No.</i> | <i>Dated</i> | <i>Under Sections</i> | <i>Police Station</i> |
|----------------|--------------|--|-----------------------|
| 248 | 22.05.2018 | 148, 149, 323, 325, 506 of IPC and 3 SC/ST Act | Baldev Nagar |
| 314 | 16.07.2019 | 307, 323, 325, 34, 341, 506, 427 of IPC. | Baldev Nagar |
| 635 | 27.10.2020 | 323, 324, 341, 506, 34 of IPC | Baldev Nagar |

There is one another case/FIR pending against accused Gaurav Tyagi which is as follows:-

| <i>FIR No.</i> | <i>Dated</i> | <i>Under Sections</i> | <i>Police Station</i> |
|----------------|--------------|--|-----------------------|
| 314 | 16.07.2019 | 307, 323, 325, 34, 341, 506, 427 of IPC. | Baldev Nagar |

Another case/FIR is pending against the accused Sumit Kumar @ Sunny as follows:-

| <i>FIR No.</i> | <i>Dated</i> | <i>Under Sections</i> | <i>Police Station</i> |
|----------------|--------------|--|-----------------------|
| 248 | 22.05.2018 | 148, 149, 323, 325, 506 of IPC and 3 SC/ST Act | Baldev Nagar |

Investigating Officer has further stated that in another case bearing FIR No.133 dated 06.05.2024 accused persons namely Gurvinder Singh and Sumit Kumar @ Sunny have already been acquitted on 01.02.2025.

(v) *None of the party involved has been declared as proclaimed offender.*

(vi) *Presently, the above named accused persons are not previously convicted as reflected from statement of Investigating Officer.”*

4 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.

5 Learned counsel appearing on behalf of respondents No.2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

6 The Full Bench of this Court in the matter of **“Kulwinder Singh and others versus State of Punjab and another” reported as (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052** has observed as under:

'(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under [Section 482](#) of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".

*(29) In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors.**, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) The power to do complete justice is the very essence of

every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

(32) The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

(33) The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

(34) The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined

para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

7 The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of **'Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'**.

Furthermore, the broad principles for exercising the powers under Section 482 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'**.

8 It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

9 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. The observation of the Hon'ble Supreme Court is extracted as under:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

10 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 dispute is arising from an old enmity between the parties.
- (ii) The petitioner(s) are in the age bracket of 36 to 38 years and continuation of criminal proceedings will cause severe

repercussions to the petitioner(s) in discharge of their social obligations as well as at their workplace.

(iii) The FIR pertains to the year 2018.

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

(v) Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to subserve any large public interest;

(vi) The proceedings are likely to end in futility for want of parties to support the case of the prosecution;

(vii) No larger public purpose would be served by continuation of the proceedings;

(viii) None of the party involved has been declared a proclaimed offender.

(ix) Continuation of the proceedings is likely to be a waste of judicial time. The object of law is well served when the parties resolve their differences and choose to peacefully co-exist and live in harmony.

11 In view of the report of the concerned Judicial Magistrate First Class, and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, as well as *Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834* and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of*

Punjab and another, 2007(3) RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 21.01.2025 (Annexure P-2) entered between the parties. However, the same would be subject to payment of total costs of Rs.10,000/- to be deposited by the petitioner(s) with the Haryana State Disaster Response Fund, State Bank of India, Account No.39681102475, IFSC-SBIN0010603, New Haryana Civil Secretariat Branch, Sector 17, Chandigarh, within two months from receipt of a certified copy of this order.

12 Petition is allowed.

September 04, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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