



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

291

CRM-M-20309-2022

Date of decision: 02.09.2025

JK DEFENCE FIRE ENGINEERING SERVICES

...PETITIONER

V/s

JINDAL INDUSTRIES PVT LTD AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Rose Gupta, Advocate with
Ms. Sheenam Banchta and
Mr. Prateek Garg, Advocate for respondent No.1.

Mr. Tarun Aggarwal, Addl. AG, Haryana.

SUMEET GOEL, J.

1. Petition under Section 482 Cr.P.C. for quashing of Complaint dated 22/8/17 registered vide Number CIS NI Act No. 1778/2017 (CNR No. HRHS03-0111042018) titled as *Jindal Industries Vs JK Defence Fire*, under Section 138 of Negotiable Instrument Act, 1881 (Annexure P-1) in the court of Judicial Magistrate Ist Class, Hisar, Exclusive Court, NI Act; and for setting aside the Impugned Summoning Order dated 05.03.2018 (Annexure P-2), Impugned order dated 10.03.2022 (Annexure P-3) for issuance of Warrants of Arrest, Impugned order dated 28.03.2022 (Annexure P-4) for proceedings under Section 82/83 of Criminal Procedure Code, all passed by Trial Court and Impugned order dated 31.03.2022(Annexure P-9) passed by Additional Sessions Judge, Hisar, whereby Application for anticipatory bail has been declined.



2 Pursuant to notice of motion, on 24.2.2025 the following order was passed by this Court:

During arguments, it has turned out that at least liability of Rs.17 lacs odd is admitted.

Learned counsel for the parties are ad idem that there are chances of an amicable settlement between the parties. It is, therefore, prayed that the matter be referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 17.03.2025 at 10.00 am.

Adjourned to 06.08.2025 awaiting report of the Mediator.

3. As per the report of the Mediator, the parties have settled the dispute vide settlement agreement dated 19.5.2025.

As per the settlement, learned counsel for the petitioner has handed over a demand draft bearing No.087201 dated 05.08.2025, amounting to Rs.5,50,000/- drawn from J & K Bank to the learned counsel for the complainant today in Court. A photocopy of the said demand draft be taken on record.

4. Learned counsel for respondent No.1 admits the factum of parties having compromised before the Mediation and Conciliation Centre of this Court, and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

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

6. 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.*



7. 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 482 of Cr.P.C. to quash the private complaint as :-

- (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*

8. Consequently, Complaint dated 22/8/17 registered vide Number CIS NI Act No. 1778/2017 (CNR No. HRHS03-0111042018) titled as *Jindal Industries Vs JK Defence Fire*, under Section 138 of Negotiable Instrument Act, 1881 (Annexure P-1) in the court of Judicial Magistrate Ist Class, Hisar, and all consequential proceedings arising therefrom, on the basis of compromise/settlement arrived at in the Mediation and Conciliation Centre of this Court dated 19.5.2025, are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

02.09.2025

jatn

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No