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

CRM-M-65138-2024 (O&M)

Date of decision : 24.04.2025

Anu Bala @ Anu Sharma and another ... Petitioners

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Chauhan, Advocate for the petitioners.

Mr. Ashok Sehrawat, DAG, Haryana.

Mr. Keshav Bhandari, Advocate for

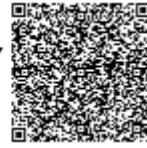
Mr. Paras Chaudhary, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.365 dated 22.08.2024 (P-1), under Sections 406, 420 and 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Gandhi Nagar, District Yamunanagar along with all consequential proceedings arising therefrom on the basis of compromise dated 17.12.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners in criminal conspiracy with each other duped the *de facto* complainant to the tune of Rs.8,32,000/- on the pretext of selling a plot.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.



5. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

6. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties i.e. petitioners well as respondent No.2.

7. Heard learned counsel for the parties and perused the paper-book.

8. This Court while issuing notice of motion on 20.01.2025, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties, i.e. petitioners as well as respondent No.2.

(2) Notice of motion.

(3) At this stage, Mr. Kiran Pal Singh, learned A.A.G., Haryana, accepts notice on behalf of respondent No.1-State.

(4) Mr. Mohinder Singh Kathuria, Advocate, causes representation on behalf of respondent No.2 and acknowledged the factum of compromise between the parties, i.e. petitioners as well as respondent No.2.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 17.02.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.



(8) *Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*

(i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii) Whether the compromise effected between the parties is genuine and valid?

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi) Whether any of the petitioner(s) is/are previous convict or not?

(9) *List before this Court on 04.03.2025 for further consideration.*

(10) *Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*

(11) *Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

9. In terms of aforesaid order, statements of both the parties were recorded and a report dated 18.02.2025 has been received from learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhri. For reference, the operative part of report reads as under:-

“My report is as under:-

Point No.1.

(III) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s);

1. It is submitted that as per the statement of Investigating Officer (Annexure D) FIR in the present case was registered on



the statement of **Love Kishore S/o Hari Chand** and that he is the only aggrieved person in the present case. It is further submitted that the complainant and the accused have appeared before this Court and have recorded their statements qua the compromise. It is submitted that as per the statement of Investigating Officer Sandeep Kumar, ASI, No.43/YNR, Police Station Gandhi Nagar, Yamuna Nagar (Annexure D) the number of accused persons arraigned in the present FIR are namely **Anu Bala @ Anu Sharma, Achher Sharma @ Ravi and Rajesh Sharma**. However, accused Rajesh Sharma has expired.

Point No.2.

(IV) Whether any other case is pending against either of the parties or not, if yes, the details thereof?

2. It is submitted that as per the statement of Investigating Officer (Annexure D) that **no other FIR** is pending against accused persons.

Point No.3.

(V) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

3. Further, as per the statement of Investigating Officer accused has not been declared proclaimed officer in the present case.

Point No.4.

(VI) Whether any of the petitioner(s) is/are previous convict or not?"

4. It is submitted that as per the statement of Investigating Officer that accused persons are not previously convicted of any other offence.

Point No.5.

(1) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(II) Whether the compromise effected between the parties is genuine and valid;



5. On oral inquiry, the parties have stated that there was dispute between them and now with intervention of friends and relatives, compromise has been effected between them voluntarily and without any coercion, pressure, duress or any undue influence.

6. That the compromise is not a result of any fraud or misrepresentation. I have specifically inquired about the validity of compromise from the complainant/victim and they have stated that the compromise arrived at in the matter is voluntarily and they have no objection if the FIR in question be quashed on the basis of compromise. Both have stated that they will remain bound by the compromise.

7. After considering the oral submissions and written statements made by the parties, I am satisfied that the compromise has been actually arrived at between the parties and same is effected with their free volition and is genuine and the same is not the result of any coercion, undue influence or pressure and is also not a result of fraud or misrepresentation.

8. Separate statement of all the parties regarding compromise recorded in which they have been duly identified by their respective counsels. Same is attached herewith as Annexure A (of complainant/victim) and Annexure B & C (of accused persons/petitioners)”

10. Hon’ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held 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 predominately 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.”

11. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

12. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

24.04.2025

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No