2025:PHHC:140414

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46800-2025
Date of decision: 09.10.2025

Inderjeet Suhag and another ....Petitioners

V/s

State of Haryana and others ....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhishek Goel, Advocate for the petitioners.

Mr. Vishal Singh, AAG Haryana.

Mr. Abhimanu Jangra, Advocate for respondent Nos.2 to 4.

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SUMEET GOEL, J.

1. The *petition in hand* has been preferred by the accused – petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No.234 dated 22.08.2024 (hereinafter to be referred as the impugned FIR) registered under Sections 121(1), 132, 221, 324(6) of BNS at Police Station Beri, Jhajjar, Haryana, as also the proceedings subsequent thereto, on the basis of a compromise deed dated 07.08.2025 (Annexures P-2, P-4 and P-6) appended with the present petition.

2. The gravamen of the impugned FIR is that on 21.08.2024, employees namely Rakesh (Lineman), Sunil (Assistant Lineman) and Mohit (Assistant Lineman) (respondent Nos.2 to 4 herein) were on night duty at the complaint centre, Beri, when around 11:40 P.M. they returned from a complaint` visit to Jat Dharamshala, Beri. When they reached the complaint centre, which is located in the Dharamshala, some people present there stopped them from entering by saying that they had booked the Dharamshala for their own use. The employees explained that it was the official complaint center and they were on night duty. During this

argument, the villagers informed the Sarpanch of Bishan village namely Indrajit Suhag who alongwith his sons came to the spot. Without any discussion, they started abusing, threatening and physically assaulting the employees. They also threatened to kill them and get them fired from their jobs. When the employees tried to contact the Junior Engineer (JE) namely Anil on the government phone, Sarpanch namely Indrajit Suhag threw the phone away by saying that he did not know any JE. This incident created fear amongst the employees making it unsafe for them to perform night duty at the complaint Centre. In view of this, a request was made to register an FIR against Sarpanch Indrajit Suhag and his sons for obstructing government work; issuing death threats and damaging a government phone. Furthermore, employee namely Rakesh and Mohit were injured during the course of the aforesaid occurrence. After investigation, it was found that offences under Sections 132, 221, 324, 6 of BNS and other relevant law had been committed. Accordingly, the instant case was registered. On 24.08.2024, based on the evidence, accused Inderjeet Suhag and Akshay Suhag (petitioners herein) were arrested and their statements were recorded. Based on these set of allegations, the impugned FIR was got registered.

3. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated into the impugned FIR, whereinafter the trial Court has already taken cognizance of the case, issued process against the petitioners and fixed 17.09.2025 for framing of charges. According to learned counsel, the petitioners are on regular bail and have been regularly appearing before the trial Court. Learned counsel for the petitioners has further submitted that a compromise was entered into between the petitioners and the FIR-complainant on 07.08.2025 (colly), relevant whereof reads as under:-

> *"1. That the case FIR No. 234 dated 22.08.2024 under section 121 (1),132, 221, 324(6) of BNS has been registered by the Deponent against the second parties/accused (Mr. Inderjeet Suhag 5/o Late Sh. Karan Singh and Mr. Akshay Suhag 5/o Sh. Inderjeet Suhag) at P.S. Beri, Jhajjar, Haryana.*
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> *2. That the said FIR was registered as the Deponent had mistakenly Identified the second parties/accused (Mr. Inderjeet Suhag S/o Late Sh. Karan Singh and Mr. Akshay Suhag S/o Sh. Inderjeet Suhag) and the sald incident had nothing to do with the second parties/accused whatsoever.*
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> *3. That the Deponent now does not wish to take any legal action against the second parties/accused (Mr. Inderjeet Suhag S/o Late Sh. Karan Singh and Mr. Akshay Suhag S/o Sh. Inderjeet Suhag) as the Deponent has now come to realise his mistake and have arrived at a mutual settlement with the second party/accused In order to avoid any further litigation and harassment to both or either of the parties in the future.*
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> *4. That the Deponent does not want to pursue the said FIR registered against the second parties/accused (Mr. Inderjeet Suhag S/o Late Sh. Karan Singh and Mr. Akshay Suhag S/o Sh. Inderjee No Ticket on the Affidavit, only Notary Suhag) and has no objection if the FIR No. 234 dated 22.08.2024 under section 121 (2), 138) 223, 324(6) of BNS be quashed."*

Learned counsel has, thus, iterated that the FIR in question, which was got registered on account of a misunderstanding, has since been resolved between the parties and in order to keep peace as also harmony, the parties do not wish to continue with proceedings, including the impugned FIR, against each other. Learned counsel has further submitted that, pursuant to order dated 26.08.2025 earlier passed by this Court, statements of the rival private parties were recorded before the concerned Magistrate wherein the said parties have reiterated having entered into settlement and a report dated 19.09.2025 has been received from the said Magisterial Court. Learned counsel has further urged that no useful purpose would likely be served by allowing the criminal prosecution to continue against the petitioners. Thus, it has been reiterated that the *petition in hand* be granted.

4. Learned State counsel submits that the FIR in question was registered for serious allegations of assault on the government employees while on duty; obstruction of official work; criminal intimidation and damage to government property. According to learned State counsel, the offences alleged are not purely private in nature but involve an element of public interest. Though the parties have entered into a compromise dated 07.08.2025 and the complainants have expressed no objection to quashing of the FIR in question but while considering the compromise, the nature and gravity of allegations are also to be taken into account as the offence(s) in question related to assaulting public servants while on duty and obstruction of government work. Learned State counsel has emphasized that the power to quash lies only with this Court under Section 528 of BNSS, 2023 which is to be exercised sparingly and cautiously. On the basis of aforesaid submission, learned State counsel has prayed for dismissal of the *petition in hand*.

5. Service was effected upon respondent Nos.2 to 4. Learned counsel for the said respondents has submitted that the parties have amicably settled the matter with the petitioners. Each of the complainants has executed a compromise affidavit dated 07.08.2025 and categorically stated that they have no objection if the FIR in question and all proceedings arising therefrom are quashed against the petitioners. Furthermore, the compromise has been arrived at voluntarily without any threat coercion or undue influence. Thus, in view of the compromise duly executed between the parties, learned counsel has prayed that the *petition in hand* be allowed and the FIR in question and all consequential proceedings be quashed.

6. I have heard learned counsel for the parties and have perused the record.

Prime Issue

7. The issue that arises for consideration in the present petition is as to whether the impugned FIR and the proceedings arising therefrom deserve to be quashed on the basis of compromise/settlement having been arrived at between the rival private parties.

The seminal legal issue that arises for rumination is as to whether an FIR (as also proceedings emanating therefrom) can be quashed on the basis of compromise/settlement between the rival parties wherein the FIR-complainant/victim/aggrieved person is a public servant.

8. **Relevant Statutory Provisions**

The Code of Criminal Procedure, 1973 (hereinafter to be referred as 'the Cr.P.C.)

Section 482 of Cr.P.C., 1973 reads as under:

> *"**482. Saving of inherent power of High Court** – Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."*

The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as BNSS, 2023)

Section of the BNSS, 2023 reads as under:

> *"**528. Saving of inherent powers of High Court** – Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."*

Relevant Case Law

9. The precedents, *apropos* to the matter(s) in issue, are as follows:

I. Re: Powers of the High Court under Section 482 of Cr.P.C.,vis-a-vis., quashing of the FIR/criminal proceedings on the basis of compromise

(i) In a judgment titled as ***Gian Singh vs. State of Punjab and another, 2012 (10) SCC 303*** a three Judge Bench of the Hon'ble Supreme Court has held as under:-

> "*48. The question is with regard to the inherent power of the High Court in quashing the criminal proceedings against an offender who has settled his dispute with the victim of the crime but the crime in which he is allegedly involved is not compoundable under Section 320 of the Code.*
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> *xxx xxx xxx xxx*
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> *xxx xxx xxx xxx*
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> *57. 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 F.I.R may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 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, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(ii) In a judgment titled as ***Narinder Singh vs. State of Punjab, 2014(6) SCC 466*** , the Hon'ble Supreme Court has held as under:-

"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I) 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.

(II)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.

(III) Such a power is not 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 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.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly 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.

(V) 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.

(VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role.

> *Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."*

(iii) In a judgment titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. Vs. State of Gujarat and anr. AIR 2017 SUPREME COURT 4843,*** a three Judge Bench of the Hon'ble Supreme Court has held as under:-

> *"15 The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :*
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> *(i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;*
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> *(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the*

purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the

financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

(iv) In a judgment titled as ***State of Madhya Pradesh vs. Laxmi Narayan and others AIR 2019 SUPREME COURT 1296,*** a three Judge Bench of the Hon'ble Supreme Court has held as under:-

"13. 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:

i) 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;

ii) 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;

iii) similarly, such power is not to be exercised for the offences under the special statutes like 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;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the

charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

II. *Re: Powers of the High Court under Section 482 of Cr.P.C. to quash FIR wherein the FIR-complainant is a public servant.*

A Division Bench of this Court titled as ***Vinod @ Boda and others vs. State of Haryana and another, 2017(1) RCR (Criminal) 571*** has held as under:-

"8. We have perused the reference made by the learned Single Judge and are of the view that there is an inadvertent mistake in formulating the reference, so we reframe the question to be answered by us which reads as under:-

"Whether the offences under Sections 353, 186 and 332 of the Indian Penal Code against the accused-petitioners can be quashed on the basis of compromise with the complainant-public servant?

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> *14. The doubt has been expressed by the learned Single Judge whether in exercise of inherent power under Section* 482 *Cr.P.C. criminal proceedings on the basis of compromise entered between the parties where the offence is against the public servant can be quashed or not by the High Court is the issue before us.*
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> *xxx xxx xxx xxx*
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> *16. In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the `society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.*
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> *xxx xxx xxx xxx*
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> *18. For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under Section* 482 *Cr.P.C. are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant."*

Analysis (re law)

10. The conventional outlook, in view of the statutory framework, was that criminal offence(s) could be settled only by way of compounding, as per the provisions of Section 320 of the Cr.P.C., 1973 (now Section 359 of BNSS, 2023). In ordinary parlance, "*compounding*" is known as "*compromise"* or *"settlement"*. This expression is ordinarily understood as condoning a felony in exchange for repatriation received by the victim-complainant from the felon. In other words, no compounding/compromise of a criminal offence could be permitted by the Court, except for an offence which met with the rigours of Section 320 of Cr.P.C. Therefore; the question arose whether the High Court, by exercising its plenary/inherent jurisdiction, under Section 482 of Cr.P.C., could quash ongoing

FIR/criminal proceedings on the basis of compromise/settlement having been arrived at between the rival parties.

10.1. Before proceeding further, it would be germane to delve into the nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973.

10.2. Inherent powers of the 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 the High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), the High Court would have a form but lack the substance. These powers of the High Court, hence, deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of the 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 the 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, arise. The 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 maxim, namely, ***"quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa, esse non potest"*** (when the law gives anything to anyone, it also gives all those things without which the thing itself cannot exist) also

signifies that the inherent powers of the High Court are all such powers which are necessary to do the right and to undo a wrong in the course of administration of justice. Further, the maxim ***"ex debito justitiae"*** stipulates that such powers are given to do real and substantial justice, for which purpose alone, the High Court exists. Hence, the powers under Section 482 of Cr.P.C., are aimed at preserving the inherent powers of a High Court to prevent abuse of the process of any Court or to secure the ends of justice. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of the High Court; to uphold, to protect and to fulfil the judicial function of administering justice, in accordance with the law, in a regular, orderly and effective manner. In other words; Section 482 of Cr.P.C. 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.

10.3 The above principle(s), in context of provisions of Section 482 of Cr.P.C, 1973, would apply with complete vigour, to the provisions of Section 528 of BNSS of 2023 as well, since there is no alteration in the wording of these two provisions.

11. The Hon'ble Supreme Court in the case of ***Gian Singh*** (supra) has enunciated that the powers of the High Court for quashing of criminal proceedings on the basis of settlement are materially different from compounding of offence in terms of Section 320 of Cr.P.C., (Now Section 359 of BNSS, 2023) *as* a Court while exercising power under Section 320 of Cr.P.C. (Now Section 359 of BNSS, 2023) is circumscribed by the provision *but* the High Court may proceed to quash a criminal

offence/criminal proceedings if the ends of justice justify exercise of such power. It was thus held that the criminal cases having overwhelmingly and predominantly civil flavour, offences arising out of matrimonial dispute, offences arising out of family dispute as also offences which are basically private or personal in nature could be quashed by the High Court in case the parties have resolved their entire dispute(s). Further, the Hon'ble Supreme Court in the case of ***Narinder Singh*** (supra) has held that the possibility of conviction being remote and bleak, whereas continuation of the criminal case putting the accused to oppression and prejudice & the parties being put to general inconvenience, as also prejudice could also be considered as factors by the High Court, while examining a plea for quashing of criminal proceedings on the basis of settlement/compromise. However a caution was made that cases involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity; offences under the Prevention of Corruption Act committed by public servants etc., ought not to be quashed while exercising such plenary jurisdiction. To the same effect is the dicta of the judgment of three Judge Bench of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir*** case (supra). Further, a three Judge Bench of the Hon'ble Supreme Court in a judgment of ***Laxmi Narayan*** case (supra) reiterated the principles laid-down in cases of ***Gian Singh*** (supra)***, Narinder Singh*** (supra) **and** ***Parbatbhai Aahir*** (supra).

11.1 It is, thus, unequivocal that the plenary powers vested in a High Court, by virtue of its very constitution, are to be exercised with circumspection and in a manner befitting judicial propriety. The invocation of inherent jurisdiction must serve the ends of justice, necessitating a holistic evaluation of all the attendant circumstances. The criminal justice system is not merely a forum for resolving interpersonal disputes; it

embodies the sovereign obligation of the State to safeguard the fundamental rights of its citizens, including the protection of life, liberty, and property. In adjudicating petitions seeking quashing of criminal proceedings on the basis of a purported compromise between the parties, the court must transcend the immediate assertions of harmony. While the absence of current grievances between parties may be a material consideration, it cannot be the determinative criterion. The court is duty-bound to scrutinize the gravity of the allegations, the nature of the offences, and their ramifications on the public order and societal welfare. This judicial responsibility is accentuated in cases involving heinous or egregious offences, where the broader societal interest outweighs private settlements. Compromising such cases on the ground of mutual accord risks undermining the public confidence in the justice delivery system and jeopardizing the larger interest of law enforcement.

11.2. The aureate enunciation of law, in above judgments, essentially points out that the prime factors for consideration of quashing of FIR/criminal proceedings on the basis of compromise/settlement is that the dispute/offence is essentially private in nature; continuation of criminal proceeding would be an exercise in futility as its *fate-accompli* is known; pendency of such proceedings would be an undesirable burden on the police/prosecution as also the Courts, who are already struggling hard to manage the ever increasing and unmanageable docket and/or such quashing would ensure the ends of justice.

12. A criminal offence against a public servant while on duty is in stark contrast to an offence against a private individual — when examined in the realm of a quashing petition based on compromise between rival parties. Between two individuals the causative factor(s) involve largely two

private parties and even after registration of an FIR, if a settlement is effected between these two parties, *bilaterally,* it may be acceptable in the eyes of the law and FIR could be quashed; subject to all other attending factors being conducive in accordance with principles laid down, *inter alia,* in judgments of ***Gian Singh*** (supra), ***Narinder Singh*** (supra), ***Parbatbhai Aahir*** (supra) and ***Laxmi Narayan*** (supra). However, when a person commits an offence against a public servant - on - duty, it becomes a *tripartite* matter, even in the realm of compromise quashing jurisdiction. A public servant works not just as a representative but epitomises the State while on - duty. His official status is not contingent but indispensable, nonelective and *sine qua non*. The State is also responsible for fostering public order and any official functioning on behalf of the State is also an instrument of maintaing this order. A Division Bench of this Court in the case titled as ***Vinod @ Boda*** (supra) has held that the FIR (as also the proceedings arising therefrom) can be quashed on the basis of compromise/settlement having been arrived at between the rival parties, even when offence is against a public servant, where the dispute is *prima facie* between the parties in their individual and private capacity. *Ergo,* it is pellucid that where the FIR-complainant/victim/aggrieved person is a public servant, but the dispute essentially partakes the colour of an offence against a public servant, in discharge of his official duties, than such an FIR (as also the proceedings emanating therefrom) ought not to be quashed on the basis of compromise.

To determine as to whether offence(s) in question pertain to an individual/private in his capacity *or* official capacity, the Court is essentially required to look into entire factual *milieu* of the particular *case in hand.* No exhaustive set of guideline(s) to govern, the exercise of this aspect by the

High Court, can possibly be laid down, however illecebrous this aspect may be. It is neither fathomable nor desirable to lay down any straightjacket formula in this regard. To do so would be to crystallize into a rigid definition, a judicial discretion, which for best of all reasons deserve to be left undetermined. Any attempt in this regard would be, to say the least, a *utopian* endeavour. Circumstantial flexibility, one additional or different fact, may make a sea of difference between conclusions of two cases. Such exercise would thus, indubitably, be dependent upon the factual matrix of the particular case which the High Court is in *seisin* of, since every case has its own peculiar factual conspectus.

12.1. Another aspect *nay* vital aspect of the *lis* in hand craves attention.

More often than not, plea(s) seeking quashing of the FIR etc., *solely* based on compromise between rival parties, are filed before this Court, wherein the FIR – complainant/aggrieved person/victim is a public servant but no requisite permission for compromise has been sought from the concerned government authority *muchless* granted. A public servant, once having got registered an FIR etc. in his capacity of a government official, cannot elect to settle a dispute with an individual, on his own without requisite permission from the concerned Government authority, because the causative factors also involve infringement of State's duty and rights. Such public servant must seek the permission of concerned competent administrative authority to settle a dispute/offence arising out of a situation when he was on duty. This permission is needed to satisfy, *inter alia,* that the State concurs with such settlement. If such a public servant seeks and takes steps to settle such a dispute without the permission of the concerned competent administrative authority, then such a public servant

ought to be saddled with punitive measure(s) as such official/public status cannot be allowed to be treated as mere tokenism and be diluted.

13. As a sequitur of the above rumination, the following postulates emerge:

I. A petition seeking quashing of FIR (as also a proceedings emanating therefrom) on the basis of compromise involving a public servant as FIR/complainant/victim may be granted wherein the dispute between the parties is *primarily* private/individual in nature. In other words, where the offence is against a public servant, inherently in discharge of his/her official duty, such compromise quashing petition deserves to be rejected.

II. In case a public servant endeavours to settle/compromise a criminal offence, essentially involving discharge of his/her official duty and not being in his/her private/individual capacity & such settlement/compromise is *sans* the approval of competent government/administrative authority, appropriate action(s) including, but not limited to departmental proceedings, ought to be undertaken against such public servant.

III. (i) The *litmus test*, as to whether the dispute/offence(s) is of private/individual capacity *or* of public/government function would essentially depend upon the analysis of factual *milieu* of a particular case receiving consideration at the hands of the Court.

(ii) No exhaustive guidelines can possibly be laid-down for exercise of aforesaid judicial discretion by a Court as every case has its own unique factual conspectus. There is no gainsaying that an order passed by the Court, while exercising such discretion, must be a speaking order clearly giving out reasons therein & must be in consonance with the basic canons of Justice, good conscience and equity.

Analysis (re facts of the present case)

14. The *petition in hand* has been filed for quashing of the impugned FIR as also the proceeding emanating therefrom on the basis of compromise deed(s) dated 07.08.2025 (Annexures P-2, P-4 and P-6). From the factual *milieu* of the case in hand, it cannot be said that the offence(s) alleged to have been committed is in the nature of a private dispute between the parties or the dispute(s) between the accused side and the FIR-complainant/victim(s) partake the colour of an individual dispute. The petitioners are alleged to have committed offence(s) against government official(s) during the discharge of their official duty. *Ergo,* the *petition in hand* ought not to be granted and deserves rejection.

Further, the FIR-complainant and the victim(s), though have earlier said that the offence(s) have been committed by the accused – side during the course of their performing official duty, but nothing has been brought to the fore to indicate that before entering into compromise/settlement any approval was taken by them from the concerned competent authority(s). It thus appears that the concerned public servant(s) in present case have chosen to settle a criminal case, pertaining to discharge of their official duty, without the permission of the concerned administrative competent authority.

Decision

15. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition; seeking quashing of FIR No.234 dated 22.08.2024 registered under Sections 121(1), 132, 221, 324(6) of BNS at Police Station Beri, Jhajjar, Haryana, as also the proceedings subsequent thereto, on the basis of a compromise deed(s) dated 07.08.2025 (Annexures P-2, P-4 and P-6); is dismissed.

(ii) The Administrative Secretary of the Department [wherein the FIR-complainant-victim(s) were serving at the time of alleged commission of offence(s)] is directed to look into the matter regarding settlement/compromise entered into by them *sans* requisite administrative approval/permission & take appropriate action(s) in accordance with the extant rules.

(iii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the trial Court/police shall proceed further, in accordance with law, without being influenced with this order.

(iv) No disposition as to costs, for the *nonce*.

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

16. The concerned Administrative Secretary, Government of Haryana is mandated to file a compliance affidavit, in terms of directions made hereinabove, within three months from today with the Registrar General of this Court failure wherein may invite punitive consequences (as per law) for the officer concerned as also other concerned functionaries.

(SUMEET GOEL)
JUDGE

October 09, 2025
Ajay

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