IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:084892

(237) **CRM-M-23029-2025 (O&M)**
Date of Decision: 27.05.2026

Ashok .....PETITIONER

Versus

State of Haryana and others .....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Akshat Dalal, Advocate
for respondent No.2
****

NEERJA K. KALSON, J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.224 dated 23.12.2024 registered under Sections 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 126, 75(2) and 79 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Bahuakbarpur, District Rohtak,(Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.04.2025 (Annexure P-2) allegedly effected between the parties.

2. The allegations, as emerging from the FIR, are that the complainant alleged that on 23.12.2024, her minor daughter aged about 11 years, along with another minor girl aged about 13 years, had gone to purchase grocery items and while returning home at about 4:00 PM, the petitioner allegedly intercepted them, made obscene gestures towards them and offered money for accompanying him. It is alleged that the minor girls

::: Downloaded From Local Server on - 29-05-2026 17:48:54 :::

got frightened, returned home and narrated the occurrence to the complainant, pursuant to which the present FIR came to be registered.

3. It has been pleaded on behalf of the petitioner that subsequently, with the intervention of respectable persons of the locality and relatives, the matter has been amicably resolved and a compromise dated 07.04.2025 was executed between the parties. Learned counsel submits that the FIR was lodged due to misunderstanding and misconception and that the complainant party no longer wishes to pursue the proceedings in order to maintain peace and harmony. Learned counsel for the petitioner further contends that the alleged offences are not of an aggravated nature under the POCSO Act and continuation of criminal proceedings would serve no useful purpose. It is argued that respondents No.2 to 4, being guardians of the minor victims, have no objection to quashing of the FIR.

4. *Per contra*, learned State counsel opposes the prayer and submits that statements of both minor victims were recorded under Section 183 BNSS before the learned Judicial Magistrate. It is further submitted that counselling was also provided through the concerned authorities and during investigation sufficient incriminating material was collected against the petitioner, leading to filing of challan under Sections 126, 75(2), 79 BNS and Section 12 of the POCSO Act. Learned State counsel further submits that charges have already been framed and prosecution evidence is underway, with several prosecution witnesses already examined.

5. This Court has considered the rival submissions and carefully examined the material available on record.

6. The allegations levelled in the present FIR pertain to offences against minor children under the provisions of the POCSO Act. Such offences cannot ordinarily be treated as disputes of a purely personal or private

::: Downloaded From Local Server on - 29-05-2026 17:48:56 :::

character so as to warrant quashing merely on the basis of a compromise between the parties. The object of the POCSO Act is to protect children from sexual offences and to ensure their dignity, mental well-being and safety. The offences contemplated under the statute have a serious social impact and travel beyond the confines of an individual dispute.

7. The Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688**, while delineating the scope of inherent powers under Section 482 Cr.P.C., held that offences having serious impact on society or involving mental depravity ought not to be quashed merely on the basis of settlement between the parties:

> *"13.2 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"*

8. Similarly, in **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 641**, it was observed that while exercising inherent jurisdiction, the High Court must keep in view the nature and gravity of the offence and its societal impact. Para 15 of the judgment reads as under:

> *"15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :*
> *(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;*
> *(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,*

::: Downloaded From Local Server on - 29-05-2026 17:48:56 :::

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."

::: Downloaded From Local Server on - 29-05-2026 17:48:56 :::

9. In ***Kapil Gupta Vs. State of NCT of Delhi and another, 2022(4) RCR (Criminal) 497***, the Hon'ble Supreme Court in para 13 observed as under:

> *"13. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with."*

10. Further, offences involving children stand on a distinct footing. The legislative intent underlying the enactment of the POCSO Act is to provide stringent protection to minors against sexual misconduct. Any liberal approach in matters involving allegations against children may dilute the deterrent object sought to be achieved by the statute.

11. This Court is also conscious of the fact that during investigation, statements of the minor victims were duly recorded before the competent Court under Section 183 BNSS and sufficient incriminating material was collected against the petitioner. Pursuant thereto, challan has already been presented and charges have also been framed by the trial Court. The criminal proceedings have thus substantially progressed and the prosecution evidence is presently underway and the 4 witnesses have already been examined.

12. At this stage, this Court does not find it appropriate to exercise its inherent jurisdiction under Section 482 Cr.P.C. /528 BNSS merely on the basis of a compromise, particularly when the allegations relate to misconduct against minor children and the trial has already progressed considerably.

::: Downloaded From Local Server on - 29-05-2026 17:48:56 :::

13. It is well settled that though the inherent powers of the High Court are wide in amplitude, the same are required to be exercised with great circumspection, caution and restraint, especially in matters involving offences having serious societal ramifications. The compromise effected between private parties cannot be permitted to override larger public interest or defeat the legislative mandate embodied under the POCSO Act.

14. The inherent jurisdiction of this Court under Section 482 Cr.P.C./528 BNSS is intended to secure the ends of justice and prevent abuse of the process of law; however, such extraordinary jurisdiction cannot be invoked in a manner that may result in stifling a legitimate prosecution involving allegations against minor victims.

15. Accordingly, considering the seriousness and nature of the allegations, the statutory object underlying the POCSO Act, and the stage of the criminal proceedings, this Court is of the considered opinion that no case is made out for exercising jurisdiction under Section 482 Cr.P.C./528 BNSS for quashing of the FIR and consequential proceedings on the basis of compromise.

16. Consequently, the present petition is dismissed.

17. Any observation, made herein, shall not be construed as an expression of opinion on the merits of case.

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

(NEERJA K. KALSON)
JUDGE

27.05.2026
Atul

1. Whether speaking/reasoned Yes/No
2. Whether reportable Yes/No

::: Downloaded From Local Server on - 29-05-2026 17:48:56 :::