



CRM-M-52047-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-52047-2025

Date of decision: 27.10.2025

GURINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Simranjit Singh, Advocate for the petitioner.

Mr. Gaurav Gurcharan S. Rai, DAG, Punjab.

Mr. Himanshu Arora, advocate for respondents No.2 to 4.

SUMEET GOEL, J. (ORAL)

1. Present petition (CRM-M-52047-2025) has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No.39, dated 24.05.2025 under Sections 109, 333, 115(2), 351(2), 324(4), 191(3), 190 of The Bharatiya Nyaya Sanhita (BNS), registered at Police Station City Kurali, District SAS Nagar, and all subsequent proceedings arising therefrom.

2 On 17.09.2025, the following order was passed:

"The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties. Learned counsel for the petitioners has submitted that all concerned are parties to the present petition in terms of the dicta of the Division Bench judgment of this Court passed in 'Rakesh Das Vs. State of Haryana and another', Neutral Citation: 2024:PHHC;147654-DB.

Notice of motion.

At this stage, Mr. Amit Kumar Goyal, Addl. AG, Punjab has put in appearance on behalf of respondent No.1-State of Punjab and accepts notice.

Mr. Himanshu Arora, Advocate has filed vakalatnama on behalf of respondent Nos.2 to 4. The same be taken on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:



- (i) *The parties shall appear before the trial Court/Illaqa Magistrate concerned on 22.09.2025 or any date thereafter as fixed by trial Court/Illaqa Magistrate for recording statements of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.*
- (ii) *In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*
- (iii) *The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.*

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) *Whether there is any other accused other than the petitioner, arrayed in this petition?*
- (ii) *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*
- (iii) *Whether any accused has been declared Proclaimed Offender?*



The report be submitted before this Court before the next date of hearing i.e. 27.10.2025.

The petitioner are directed to deposit a sum of ₹10,000/- as costs with the High Court Lawyers Welfare Fund. Bank details whereof reads thus:

Account No.65018692589;

IFSC Code: SBIN0050306;

Branch Code: 50306 &

Bank: State Bank of India, High Court Branch, Chandigarh

Payment of costs and production of receipt thereof shall be a condition precedent for recording of statements in the manner directed for hereinabove.”

3. Pursuant to the aforesaid order, report dated 24.09.2025 from Judicial Magistrate 1st Class, Kharar/UID No.PB0491, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“With reference to the subject cited above, I have the honour to submit that in compliance with order dated 17.09.2025 passed by the Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-M No. 52047 of 2025, as per which the parties were directed to get their statements recorded qua the factum of compromise.

In compliance of the abovesaid order, joint statement of the complainant Mohammed Junaid son of Mohammed Ismail and injured namely Mohammed Javed son of Mohammed Ismail and Shahruk @ Shahrukh son of Liyakat @ Liakat, residents of village Aamirnagar, Police Station Titwai, District Muzaffar Nagar, U.P. presently residing at House no. Ranjit Singh Sarpanch, Ward No.6, Near Gugga Maari, Kurali, District S.A.S. Nagar, Punjab were recorded on 22.09.2025.

The complainant and injured have suffered a joint statement to the effect that the present FIR No.39 dated 24.05.2025 under Section 109, 333, 115(2), 351(2), 324(4), 191(3), 190 of BNS has been registered at PS City Kurali on the statement of Mohammed Junaid complainant against the accused Gurinder Singh son of Mohan Singh, resident of village Bhajauli, Tehsil Kharar, District S.A.S. Nagar (Mohali) and unknown persons. Now with the intervention of the respectable persons of the society, they have compromised the matter with the aforesaid accused Gurinder Singh. They do not want to take any legal action against unknown persons and now they have no grudge against each other. They further stated that the said compromise is genuine, voluntary and without any coercion or undue influence from any corner and in future, they shall not take any further action against the aforesaid accused persons in the present FIR. They have no objection if the present FIR may be quashed against the accused persons. They have placed on record copy of compromise



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dated 03.08.2025 as Annexure P-2. They placed on record copy of their Aadaar Card as Mark A1, Mark A2 and Mark A3 respectively.

Similarly, statement of accused Gurinder Singh son of Mohan Singh, resident of village Bhajauli, Tehsil Kharar, District S.A.S. Nagar, Mohali has also been recorded with regard to the compromise. He also placed on record copy of his Aadhaar Card as Mark C3.

Statement of ASI Sukhdev Singh no.258/SBSN, posted at PS City Kurali has also been recorded to the effect that he is the Investigation Officer of the present FIR. He further stated that the present FIR no.39 dated 24.05.2025 under Section 109, 333, 115(2), 351(2), 324 (4), 191(3), 190 of BNS 2023, has been registered at PS City Kurali on the statement of complainant Mohammed Junial son of Mohammed Ismail, resident of village Aamirnagar, Police Station Titwai, District Muzaffar Nagar, U.P. presently residing at House of Ranjit Singh Sarpanch, Ward No.6, Near Guggar Maari, Kurali, District S.A.S. Nagar, Punjab against accused Gurinder Singh son of Mohan Singh, resident of village Bhajauli, Tehsil Kharar, District S.A.S. Nagar (Mohali) and 7-8 unknown persons. There is one complainant Mohammed Junaid whereas two injured in the present case. No accused has been declared as proclaimed offender.

Hence, in these circumstances, from above statements, it is humbly submitted that:-

- (i) There are other 7-8 unknown accused other than the petitioner, arrayed in this petition.*
- (ii) There is no any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) No accused has been declared as proclaimed offender.*

From statement of above persons, ex-facie, it transpire that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused.

Hence, the requisite report is submitted for kind perusal of your good-self."

4. Learned counsel for respondent No.2 to 4 admits the factum of parties having compromised and states that he has no objection in case the impugned FIR is quashed.

5. Similarly, learned State counsel has stated that he has no objection in case the impugned FIR is quashed as the parties have compromised the matter amicably.

6. I have heard learned counsel for the parties and have carefully gone through the records of the case. It appears that from the *milieu* of the case



in hand, offence under Section 109 of BNS (read with 307 of the IPC) was not made out.

7. This Court and 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 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 charge-sheet 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 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.

8 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 Cr.P.C. to quash the FIR 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.*

9 Consequently, the petition is allowed. FIR No.39, dated 24.05.2025 under Sections 109, 333, 115(2), 351(2), 324(4), 191(3), 190 of The Bharatiya Nyaya Sanhita (BNS), registered at Police Station City Kurali, District SAS Nagar and all consequent proceedings arising therefrom are, hereby, quashed on the basis of compromise qua the petitioner.

10. Photocopy of this order be placed on the connected case file.

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

(SUMEET GOEL)
JUDGE

27.10.2025
Gurpreet

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