



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

CRM-M-2701-2025

Date of decision: 08.07.2025

MINTU KUMAR AND ANR

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Neeraj Jain, Advocate for the petitioners.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

Mr. Harsh Thakur, Advocate for

Mr. G. S. Aulakh, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 Cr.P.C./under Section 528 of BNSS, 2023 for quashing of FIR No.185 dated 18.09.2023 under Sections 323, 324, 34 of IPC, 1860 and Sections 307, 326 of IPC added later on vide G.D. No.31 dated 30.10.2023 (Annexure P-1) registered at Police Station, Canal Colony Bathinda, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise dated 05.11.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 04.03.2025, the following order was passed:

“Prayer is for quashing of FIR No.185 dated 18.09.2023 registered under Sections 323, 324, 34 IPC and Sections 307, 326 IPC added later on vide GD No.31 dated 30.10.2023, registered at Police Station Canal Colony, Bathinda, District Bathinda, on the basis of compromise.

Notice of motion.

At this stage, Mr. G.S. Aulakh, Advocate, accepts notice on behalf of the complainant/respondent No.2. He admitted the



correctness of compromise and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaq Magistrate on 25.03.2025 or any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 22.05.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

3. Pursuant to the aforesaid order, report dated 29.04.2025 from Additional Chief Judicial Magistrate, Bathinda has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1.Total two accused namely Mintu son of Bhupinder Kumar, resident of Street No.5, Lal Singh Basti, Bathinda and Soni alias Kulwinder Singh son of Babbu Singh alias Laddu, resident of Street No.13, Lal Singh Basti, Bathinda have been arrayed as accused in the present FIR.

2. No accused has been declared absconding/proclaimed offender.

3. Report under Section 193 BNSS, 2023 is yet to be presented in the present case FIR.

4. In view of the statement of parties, the compromise appear to be genuine, voluntarily and out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.”

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.



5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

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

7. 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.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

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 528 of BNSS,2023 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.185 dated 18.09.2023 under Sections 323, 324, 34 of IPC, 1860 and Sections 307, 326 of IPC added later on vide G.D. No.31 dated 30.10.2023 (Annexure P-1) registered at Police Station, Canal Colony Bathinda, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise dated 05.11.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 08, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No