



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

277

CRM-M-3654-2025

Date of decision: 31.07.2025

RAHUL GILL ALIAS RAM AND ORS

...PETITIONERS

V/s

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Arora, Advocate for the petitioners.

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

Mr. G.S. Rawat, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Sections 528 of BNSS, 2023 for quashing of FIR No.34 dated 24.02.2024 under Sections 452, 379, 427, 506, 34 of IPC and Section 25 of Arms Act, 1959 (while presenting the challan Section 379 of IPC was deleted and Sections 380 and 201 of IPC were added) registered at Police Station, Division No.6, Police Commissionerate Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 04.01.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 23.01.2025, the following order was passed:

“Contends that matter has been compromised between the parties i.e. petitioners as well as respondent Nos.2 & 3.

(2) Notice of motion.

(3) At this stage, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. G.S.Rawat, Advocate has filed Power of Attorney on behalf of respondent Nos.2 & 3. He acknowledged the factum of compromise dated 04.01.2025 (P-2) arrived at between the parties at their own level.



- (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 21.02.2025 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 18.03.2025 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.”*

3. Pursuant to the aforesaid order, report dated 09.04.2025 from Chief Judicial Magistrate, Jalandhar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“With reference to this court letter/report bearing no. 204 dated 17.03.2025 on the subject cited above, it is respectfully submitted that on 07.04.2025, an application was moved by one Rajesh Kapil, Journalist before this court regarding recording of false statements by accused Rahul Gill alias Ram and Surinder Kumar alias Supp in compliance of order of the Hon'ble High Court dated 23.01.2025 passed in CRM-M-3654-2025. It is submitted by the applicant that Rahul Gill alias Ram alias Virat did not record his correct statement in the court because he was previously convicted and sentenced for 7 years



RI under Section 376 I.P.C. in case F.I.R. no. 221 dated 23.07.2016 by the learned Special Court in the year 2021, against which he has filed an appeal before the Hon'ble High Court bearing no. CRA-S-308 of 2021 whereby he is admitted to bail vide order passed in CRM-15929 of 2021. It is further alleged in the application that accused Surinder Kumar Kholsa is declared as a proclaimed offender vide order dated 31.10.2011 in CNR No.PBJL030004892010 and he stated that the said accused have given false information in their statements recorded before this court.

In view of the above said application, this court has summoned file of case F.I.R. no.221 dated 23.07.2016, under Section 376/420 IPC PS Navi Baradari, Jalandhar. Perusal of said case file reveals that said F.I.R. was registered against accused Rahul Gill alias Virat son of Tilak Raj, resident of House No. EF-437, Rishi Nagar, Jalandhar, who is petitioner no.1 before the Hon'ble High Court in CRM-M-3654 of 2025. Said accused namely Rahul Gill has been convicted under Section 376 I.P.C. vide judgment dated 22.02.2021 and sentenced vide order dated 23.02.2021 to undergo rigorous imprisonment for a period of seven years and to pay fine of 5000/- and in default of payment of fine, he shall further undergo rigorous imprisonment for a period of six months. However, the said accused Rahul Gill while recording his statement before this court on 21.02.2025 as per order of the Hon'ble High Court has specifically stated that he has not been convicted by any court in any case. As such, the said accused namely Rahul Gill has recorded false statement before this court on 21.02.2025 and withheld material fact from this court.

Similarly, the relevant file of CNR No. PBJL030004892010 which bears F.I.R. no. 97 dated 10.08.2009, under Section 326, 323, 324, 148, 149 I.P.C. PS Sadar, Jalandhar was also summoned, which reveals that accused Surinder Kumar Kholsa son of Som Nath, resident of Company Bagh, PS Divn. No.3, Jalandhar is one of the accused in said case. Said Surinder Kumar is petitioner no.3 before the Hon'ble High Court in CRM-M-3654-2025. Earlier said accused was declared as proclaimed offender in the above said case, but, lateron he was arrested and after conclusion of trial, he was acquitted in the said case vide judgment dated 13.05.2015. But, said accused in his statement recorded before this court on 21.02.2025, did not disclose about the above said Further, ASI Kulvinder Singh, who is Investigating Officer of F.I.R. no. 34 dated 24.02.2024, under Section 452, 427, 506, 380, 201, 34 I.P.C. 25/54/59 Arms Act, PS Divn. No.6, Jalandhar also did not disclose about the above said cases of accused Rahul Gill and Surinder Kumar, in his statement recorded in this court on 12.03.2025 in case titled as State vs. Surinder Kumar and others, CHI-1073-2024. In this manner, he is found negligent and derelict in performing his duties diligently. As such, a separate letter has been written to



the Commissioner of Police, Jalandhar to take necessary action against said ASI Kulvinder Singh.”

4. Learned counsel for respondent Nos. 2 and 3 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.34 dated 24.02.2024 under Sections 452, 379, 427, 506, 34 of IPC and Section 25 of Arms Act, 1959 (while presenting the challan Section 379 of IPC was deleted and Sections 380 and 201 of IPC were added) registered at Police Station, Division No.6, Police Commissionerate Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 04.01.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

July 31, 2025

jatn

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No