



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

297

CRM-M-13817-2025

Date of decision: 30.07.2025

JASVIR KAUR AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shoryaveer Vashist, Advocate for the petitioners.

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

Ms. Gagandeep Kaur, Advocate for
Mr. Ashish Gupta, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of the impugned order dated 30.11.2024 (Annexure P-3) and the FIR No. 61 dated 24.06.2021 under Sections 447, 511, 506, 148, 149 of IPC, registered at Police Station, Sadar Nawanshahr, District SBS Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 19.10.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 02.04.2025, the following order was passed:

“The present petition has been filed by the petitioners seeking quashing of FIR No. 61 dated 24.06.2021, under Sections 447, 511, 506, 148 and 149 of IPC and order Annexure P-3 dated 30.11.2024 passed by the Court of Judicial Magistrate Ist Class, concerned wherebypetitioner No.3 is declared as proclaimed offender, on the basis of compromise Annexure P-2. Notice of motion. At this stage, Mr. Ashish Gupta, 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 15.05.2025 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 30.07.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance. In the meantime, no coercive action is to be taken against petitioner No.3 who is studying in United Kingdom, at present, on the basis of order Annexure P-3, till the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 29.07.2025 from Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“Ques 1. Number of persons arrayed as accused in the FIR?

Ans.) As per the statement of Investigating Officer, there are four persons arrayed as accused in the FIR.

Ques 2. Whether any accused is proclaimed offender? Ans.) As per the 1.0, one accused namely Harpreet Kaur @ Happy has been declared as Proclaimed Offender vide order dated 30.11.2024.

Ques 3. Stage of the trial/proceedings?

Ans.) The stage of the trial/proceedings is "prosecution evidence".

Ques 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Ans.) As per the statements suffered by the parties voluntarily and the copy of compromise effected between them, it seems that the compromise is genuine and without any undue influence.”

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that she 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. Impugned order dated 30.11.2024 (Annexure P-3) and the FIR No. 61 dated 24.06.2021 under Sections 447, 511, 506, 148, 149 of IPC, registered at Police Station, Sadar Nawanshahr, District SBS Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 19.10.2024 (Annexure P-2),are, hereby, quashed qua the petitioners.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 30, 2025
jatn

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