



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-21558-2025

Date of decision: 18.07.2025

SIMRANJEET SINGH & OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sharma, Advocate
for the petitioners.

Ms. Gurpreet Kaur Sarabha, AAG, Punjab

Mr. Hritik Sharma, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS read with Section 482 of Criminal Procedure Code, 1973 for quashing of FIR No.226 dated 13.10.2023 under Sections 420/120-B of IPC, registered at Police Station, Dharamkot, District Moga and all consequential proceedings arising therefrom on the basis of compromise dated 15.04.2025 (Annexure P-7), which is stated to have been effected between the parties.

2. On 29.04.2025, the following order was passed:

“The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 for quashing of FIR No. 226 dated 13.10.2023 registered under Sections 420/120-B of the Indian Penal Code, 1860, at Police Station Dharamkot, District Moga and all subsequent proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 15.04.2025 (Annexure P-7).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise dated 15.04.2025 has been appended with the present petition as Annexure P-7. He has relied upon the judgment passed by the Larger Bench of this Court titled as “Kulwinder Singh & Ors. Vs. State of Punjab & Anr.” [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Amit Shukla, AAG Punjab and Mr. Gurqurban Singh Sarao, Advocate, accept notice on behalf of respondent-



State and respondent No. 2 respectively. Copy of the petition has already been supplied to both the counsel. Learned counsel appearing for respondent No.2 has submitted that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-7 with the petition. He further submits that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 29.05.2025.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Duty Magistrate Trial Court on 02.05.2025 or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Duty Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along- with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 15.04.2025 (Annexure P-7) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

3. Pursuant to the aforesaid order, report dated 12.05.2025 from Judicial Magistrate Ist Class, Moga has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“It is humbly submitted that in compliance of order of Hon'ble High Court, the parties to the compromise appeared before me and suffered their statements. Complainant Sukhraj Singh son of Balvir Singh resident of village Kot Ise Khan Moga has suffered statement that the compromise has been effected with the accused persons with his own will and consent and without any undue pressure from any quarter. He has no/objection if the present FIR is quashed on the basis of compromise. The compromise is genuine and effected without any pressure, coercion, by the other party and with their own sweet will.

Similarly, statement of accused persons namely Simarnajeet Singh son of Gurmeet Singh son of Bali Singh resident of village Kamal Ke Tehsil Dharamkot, District Moga, Sandeep Kaur daughter of Gurmeet Singh resident of village Kamal Ke, Tehsil Dharamkot District Moga, Harjinder Kaur Batth wife of Gurmeet Singh resident of village Kamalke Tehsil Dharamkot District Moga and Palwinder Singh Batth son of Gurmeet Singh resident of village Kamal Ke Tehsil Dharamkot District Moga have also been recorded wherein they stated that they have effected compromise with the complainant. The compromise is genuine and effected without any pressure, coercion, by the other party and with their own sweet will.

On the otherhand, separate statement of investigation officer of the present case namely ASI Surjit Singh no.30/Moga has been also recorded, vide which he has stated that the present case registered on the statement of complainant Sukhraj Singh against the above said accused persons namely Simranjeet Singh, Sandeep Kaur, Harjinder Kaur Batth and Palwinder Singh. He further stated that said accused persons have never been declared proclaimed offender in the any case and no other case pending against them except the present case.



The undersigned has also verified above stated facts from the parties and it is therefore satisfied that parties have compromised the matter with their free consent, swell will, without any threat, pressure and undue influence. Parties are also identified their counsels. Both the parties have placed on record copies of their adhar card.”

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-7).

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.226 dated 13.10.2023 under Sections 420/120-B of IPC, registered at Police Station, Dharamkot, District Moga and all consequential proceedings arising therefrom on the basis of compromise dated 15.04.2025 (Annexure P-7), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

July 18, 2025
jatn

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No