



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

292

CRM-M-23674-2025

Date of decision: 04.08.2025

CHAITANYA AND ANOTHER

....PETITIONERS

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhijeet Chaudhary, Advocate for the petitioners.

Mr. Vishal Singh, AAG, Haryana.

Mr. R.S. Dadwal, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.160 dated 12.04.2025 under Sections 316(2) and 318(4) of BNS, registered at Police Station Civil Lines, Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 25.04.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 02.05.2025, the following order was passed:

“Prayer in the instant petition filed under Section 528 of BNSS, 2023 is for quashing of FIR No.160 dated 12.04.2025 under Sections 316(2) and 318(4) of BNS, 2023, registered at Police Station Civil Lines, Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed dated 25.04.2025 (Annexure P-2).

It is submitted by learned counsel for the petitioner that subsequent to the registration of the FIR in question, the parties with the intervention of the respectables, have amicably resolved all their disputes and hence, continuation of criminal proceedings would serve no useful purpose.



Notice of motion.

On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana accepts notice on behalf of respondent-State.

At this stage, Mr. Rajan Singh Dadwal, Advocate, has put in an appearance on behalf of the complainant/respondent No.2 and filed his Power of Attorney in the Court today, which is taken on record. He does not dispute the submissions made by counsel opposite and also does not oppose the prayer for quashing of FIR, on the basis of compromise arrived at between the parties.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court on 29.05.2025 or any other date thereafter convenient to that Court for getting their statements recorded with regard to the factum of compromise so effected between them. This shall, however, be subject to payment of costs in the sum of Rs.10,000/- to be deposited with the District Legal Services Authority concerned. The Illaqa Magistrate/trial Court is directed to record the statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*
- v. Criminal antecedents, if any, of the petitioners.*

The Illaqa Magistrate/trial Court is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 11.07.2025.”

3. Pursuant to the aforesaid order, report dated 08.07.2025 from Judicial Magistrate Ist Class, Karnal has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(1) Sukhwinder Kaur is the complainant, as per FIR, there were two accused persons namely Chaitanya and Anu Gaira. As per the statement of LOSI Krishan, accused Anu Gaira was found innocent during the investigation.

(ii) Accused Chaitanya never declared proclaimed offender in the present FIR.

(iii) The proceeding in the present case is going for awaiting challan.

(iv) Yes, the compromise between the parties is valid and



genuine and has been effected without there being any kind of influence or coercion.

(v)As per the statement of I.O, four criminal cases are registered against accused Chaitanya vide FIR No.24/2025, FIR No.64/2025, FIR No.72/ 2025 and FIR No.121/2025 under Sections 316(2) and 318(4) BNS, 2023 at Police Station Sector-32/33 Karnal.”

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.160 dated 12.04.2025 under Sections 316(2) and 318(4) of BNS, registered at Police Station Civil Lines, Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 25.04.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

04.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No