



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

277

CRM-M-25294-2025

Date of decision: 30.09.2025

KULDEEP SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sahil Sabherwal, Advocate for
Mr. Nitin Kant Setia, Advocate for the petitioners.

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

Mr. N.S. Sidhu, Advocate for respondents No.3 and 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.0106 dated 26.07.2018 under Sections 452, 423, 341, 427, 148, 149 of IPC, registered at Police Station Dayalpura, District Bathinda Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 09.05.2025, the following order was passed:

“No one is present because the Bar Council of Punjab & Haryana, as well as High Court Bar Association have decided to observe today i.e. May 9, 2025 as a ‘No Work Day’, in view of serious escalation of the ongoing war-like situation with Pakistan and considering the safety concerns of litigants, advocates, staff, general public and their families etc.

This is a petition under Section 528 BNSS, 2023 for quashing of FIR No. 0106 dated 26.07.2018 under Section 452, 423, 341, 427, 148, 149 of IPC registered at P.S. Dayalpura, District Bhatinda Punjab (Annexure P-1) in view and on the basis of compromise entered into between the parties on 11.03.2025 (Annexure P-2)



Notice of motion for 28.05.2025.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?"*

3. Pursuant to the aforesaid order, report dated 22.05.2025 from Judicial Magistrate Ist Class, Phul has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. There is only one Complainant/aggrieved person namely Jagdeep Singh s/o Harnek Singh r/o village Bhodhipura Tehsil Phul. District Bathinda. He has also appeared in the Court and suffered statement regarding compromise and stated that the said compromise is genuine, voluntarily and without any coercion, fraud, misrepresentation or undue influence.

2. The concerned IO SI Chet Singh No. 629/BTI suffered a statement that Total seven persons are arrayed as accused in this FIR registered on the instance of Jagdeep Singh s/o Harnek Singh r/o village Bhodhipura Tehsil Phul, District Bathinda against Kuldeep Singh, Jagtar Singh, Ranjodh Singh, Bittu Singh, Kulwant Singh, Harjeet Singh and Jagdeep Singh. Three accused namely Bittu Singh, Jagtar Singh and Kulwant Singh have died and their death reports are already verified. Remaining four accused namely Jagdeep Singh, Kuldeep Singh, Harjeet Singh son's of Chhinder Singh and Ranjodh Singh s/o Jagtar Singh appeared and suffered their respective statements qua compromise effected between the parties. Accused Harjeet Singh s/o Chhinder Singh is involved in one other NDPS case bearing FIR No. 94 of 2020 which is pending before Ld. Special Court Moga. Remaining three accused are not involved in any other case nor there are any criminal antecedents against.

3. The present case is at the stage of prosecution evidence;

4. Compromise effected between the complainant Jagdeep Singh s/o Harnek Singh r/o village Bhodhipura Tehsil Phul, District Bathinda and surviving four accused persons namely Jagdeep Singh, Kuldeep Singh, Harjeet Singh son's of Chhinder Singh and Ranjodh Singh s/o Jagtar Singh is genuine and it is voluntarily effected between the parties with their free will and without any pressure, threat, coercion or undue influence from any quarter;"



4. Learned counsel for respondent Nos.3 and 4 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.0106 dated 26.07.2018 under Sections 452, 423, 341, 427, 148, 149 of IPC, registered at Police Station Dayalpura, District Bathinda Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

30.09.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No