



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

283

CRM-M-28291-2025

Date of decision: 31.07.2025

GURJEET SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

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

Ms. Kirandeep Kaur, Advocate for
Mr. Daljeet Singh Randhawa, Advocate
for respondents No.2 to 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.36 dated 26.03.2025 under Sections 115(2), 118(1), 191(3), 190, 351(3) of BNS (Section 118(2), 109, 303(2) BNS added later on), registered at Police Station Qadian, Police District Batala and all consequential proceedings arising therefrom on the basis of compromise dated 12.05.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 22.05.2025, the following order was passed:

“1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 12.05.2025 (Annexure P-2), effected between the parties.

DETAIL OF CRIMINAL CASE:

<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
36	26.03.2025	115(2), 118(1), 191(3), 190, 351(3) of BNS (118(2), 109, 303(2) BNS added later on	Qadian, Police District Batala	Gurdaspur

2. Learned counsel for the petitioners submits that all the parties to the dispute, already arrayed as parties in the present petition, have amicably resolved their dispute through compromise dated 12.05.2025 (Annexure P-2). Therefore, if proceedings arising from the aforementioned FIR, and all the consequential proceedings arising therefrom, are quashed, all the parties and their family members will be able to live their lives peacefully..
3. Notice of motion.
4. On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent No.1 – State.
5. Mr. Daljeet Singh, Advocate, appears on behalf of respondents No.2 to 4 and admits execution of the compromise (Annexure P-2).
6. The affected parties are directed to appear before the learned Trial Court/Illaq Magistrate, on or before 13.06.2025, or on any other date convenient to the Court, for getting their respective statements recorded with regard to the compromise. Thereupon, the concerned Court shall submit a detailed report, containing the information on the following points, along with copies of the statements to this Court, on or before the adjourned date:-

<i>Sr. No.</i>	<i>Information required</i>
I.	Total number of persons found involved as accused in the dispute/FIR
II.	Number of complainant/victim(s)
III.	Whether all the accused and complainant / victims are party to compromise & signed the same
IV.	In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof; OR
	His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person
V.	Whether any accused has been declared as a proclaimed

	<i>offender/person or any such proceedings against him/her have been initiated or pending adjudication</i>
VI.	<i>Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence</i>
VII.	<i>Any other aspect relevant to the present case.</i>

- 7. To come up on 16.07.2025, awaiting report.*
8. Reply by the respondent-State, if any, be filed on or before the next date of hearing”

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

- 1. Total number of persons found involved as accused in the dispute FIR*
Reply: There are seven petitioners accused persons namely Gurjeet Singh son of Corbas Singh. Gurpreet Singh son of Gurbax Singh, Goutam Sharma son of Pardeep Kumar Sharma, Harsimar Singh @ Harsiman Singh son of Davinder Singh. Dilpreet Singh son of Davinder Smgl. Ajay Masih son of Malook Masih and Rakesh Kumar son of Avtar Singh are found mnvolved as accused in the present FIR.
- II. Number of complainant/victim(s)*
Reply: There are three complainant/victim namely Gurbax Singh son of Khazan Singh, Gurbaj Singh son of Gurbax Singh and Janbaz Singh son of Gurbax Singh, residents of House No. 224. Backside SN College, Sant Nagar Qadian, Tehsil Batala, District Gurdaspur in the present FIR.
- III. Whether all the accused and complainant/victims are party to compromise and signed the same*
Reply: Yes, all the accused and complainant/victims are party to compromise and signed the same.
- IV In case, any affected person(accused or complainant is left out or not arrayed as party in the quashing petition before High Court, detailed whereof: or*
Reply: No, seven accused persons and three complainants/respondents and no any other affected person in the present FIR
- V Whether any person has been declared as a proclaimed offender/person or any sch proceedings against him/her have been initiated or pending adjudication*
Reply: No accused/petitioners have been declared proclaimed offender in the FIR or no any such proceedings against them/have not been initiated or pending adjudication.



VII Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence

Reply: In view of the statements got recorded by both the parties, this court is satisfied the compromise effected between them is genuine, which is not the result of any kin influence or coercion.

VIII Any other aspect relevant to the present case

Reply: No any other aspect relevant to the present FIR. ”

4. Learned counsel for respondent Nos.2 to 4 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. FIR No.36 dated 26.03.2025 under Sections 115(2), 118(1), 191(3), 190, 351(3) of BNS (Section 118(2), 109, 303(2) BNS added later on), registered at Police Station Qadian, Police District Batala and all consequential proceedings arising therefrom on the basis of compromise dated 12.05.2025 (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
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No