



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-33057-2025

Date of decision: 08.08.2025

KUNAL AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shivam Joshi, Advocate for the petitioners.

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

Ms. Jigyasa, 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.34 dated 15.04.2024 under Sections 406, 420 and 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station NRI, District Police Commissionerate Amritsar 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 01.07.2025, the following order was passed:

“This is a petition under Section 528 BNSS, 2023 for quashing of FIR no.34 dated 15.04.2024 under section 406, 420, 120-B IPC and section 13 of Punjab Travel Professionals (Regulation) Act 2014 registered at police station NRI, District Police Commissionerate Amritsar (Annexure P-1) along with all other consequential proceedings arises therefrom, in view of the compromise dated 12.05.2025 (Annexure P-2)

Notice of motion.

On the asking of the Court, Mr. J.S. Rattu, DAG Punjab, accepts notice on behalf of respondent No.1-State.



Mr. Ashutosh Sharma, Advocate has put in appearance on behalf of respondent No.2 and has filed Vakalatnama. He admits the factum of compromise entered into between the parties.

List on 02.08.2025.

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 23.07.2025 from Civil Judge (Jr. Divn.)-cum Judicial Magistrate Ist Class, Amritsar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. The number of persons arrayed as accused in the FIR;

Ans. Except these two accused persons no other accused is involved in present FIR.

II. Whether any accused is declared as proclaimed offender?

Ans. No person has been declared as proclaimed person in the present FIR.

III. Whether the compromise is genuine, voluntary and without any coercion or under influence?

Ans. Compromise effected between the parties with their own free will, without any coercion or undue influence.

IV. Whether the accused persons are involved in any other FIR or not?

Ans. Except present FIR, the accused persons are not involved in any other FIR."

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. FIR No.34 dated 15.04.2024 under Sections 406, 420 and 120-B of IPC and Section 13 of Punjab Travel



Professionals (Regulation) Act, 2014 registered at Police Station NRI, District Police Commissionerate Amritsar 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

08.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No