



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

283

CRM-M-39898-2025

JASWINDER SINGH ALIAS SHINDA AND ANOTHER
...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER
...RESPONDENTS

Date of decision: 02.12.2025

Date of Uploading:02.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioners.

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

Mr. Deepak Kumar Bartia, 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.0061 dated 14.05.2025 under Sections 332(c), 115(2), 190, 324, 351(2) of BNS, registered at Police Station Khui Khera, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise dated 05.07.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 28.07.2025, the following order was passed:

“The present petition has been filed for quashing of an FIR No.0061 dated 14.05.2025 under Sections 332(c), 115(2), 190, 324, 351(2) of BNS, 2023 registered at Police Station Khui Khera, District Fazilka and all other consequential proceedings arising therefrom, on the basis of compromise dated 05.07.2025 (Annexure P-2), entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise (Annexure



P-), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Kuljit Singh, Advocate, accepts notice on behalf of respondent No.2. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further. Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statement with regard to compromise/settlement (Annexure P-) upto 15.09.2025 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-.

- 1. Number of persons arrayed accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.*

The petitioner shall deposit a cost of Rs.25,000/- (collectively) with the Punjab and Haryana High Court Employees Welfare Association, A/c No.37167209613, State Bank of India, High Court Branch, Chandigarh, IFSC Code:SBIN0050306 concerned on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.

Adjourned to 17.11.2025”

3. Pursuant to the aforesaid order, report dated 09.10.2025 from Judicial Magistrate Ist Class, Fazilka has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“1. Number of persons arrayed as accused in the FIR;
As per the statement of investigating officer, the present FIR has been lodged by Satinder Singh son of Amarjeet Singh against three persons namely (1) Jaswinder Singh son of Banta*



Singh, (2) Rashpal Singh son of Jaswinder Singh, and (3) Vishavjeet Singh son of Rashpal Singh residents of Dhani Singhpura, Tehsil & District Fazilka and three unknown persons. Said three persons have not been traced till date. Vide DDR No.36 dated 22.05.2025 accused Vishavjeet Singh son of Rashpal Singh was declared innocent. No other person has been nominated in the present FIR.

2. Whether any accused is a proclaimed offender.

As per the statement of investigating officer, none of the accused has been declared proclaimed person.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

As per the statements of parties and the conduct of the parties while making the statements, the compromise between them is genuine, voluntary and without any coercion or undue influence;

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

As per the statement of IO, the accused persons are not involved in any other FIR.

5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court; Compliance has been made and the statement of complainant has been recorded. The IO has stated that no other person than the complainant suffered any injury in the present FIR.

6. The Trial Court is also directed to record the statement of the Investigating Officer/any other Officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.

The statement of IO was recorded and he has stated that there is only one victim/complainant in the present FIR. He has further stated that present FIR was registered against three persons namely (1) Jaswinder Singh son of Banta Singh, (2) Rashpal Singh son of Jaswinder Singh, and (3) Vishavjeet Singh son of Rashpal Singh residents of Dhani Singhpura, Tehsil & District Fazilka and three unknown persons. Said three persons have not been traced till date. Vide DDR No.36 dated 22.05.2025 accused Vishavjeet Singh son of Rashpal Singh was declared innocent.”

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.0061 dated 14.05.2025 under Sections 332(c), 115(2), 190, 324, 351(2) of BNS, registered at Police Station Khui Khera, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise dated 05.07.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

02.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No