



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-42548-2025 (O&M)

Date of decision: 23.09.2025

PANKAJ KUMAR @ KALU AND ANOTHER

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumit Dua, Advocate for the petitioners.

Mr. Amit Kumar Goyal, Additional A.G. Punjab.

Mr. Prashant Bansal, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J.CRM-37635-2025

The present application has been filed for impleading Shri Roshan Gupta son of Shri Mantu as party-respondent i.e. respondent No.3.

For the reasons mentioned in the application and in view of the submissions made by the learned counsel for the applicant/petitioner, application is allowed. Roshan Gupta son of Shri Mantu is permitted to be impleaded as party-respondent No.3 being effected person/necessary party.

Amended memo of parties is taken on record. Office to append the same at the relevant place.

The application stands disposed of.

CRM-M-42548-2025

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.72 dated 12.06.2025 under Sections 115(1), 118(1), 191(3), 190 of BNS, 2023, registered at Police Station Division



No.5, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 14.07.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 12.08.2025, the following order was passed:

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties. Learned counsel for the petitioners has submitted that all concerned are parties to the present petition in terms of the dicta of the Division Bench judgment of this Court passed in ‘Rakesh Das Vs. State of Haryana and another’, Neutral Citation: 2024:PHHC;147654-DB.

Notice of motion.

At this stage, Mr. Gurpartap S. Bhullar, AAG, Punjab has put in appearance on behalf of respondent No.1-State of Punjab and accepts notice.

Mr. Prashant Bansal, Advocate has filed vakalatnama for respondent No.2. The same be taken on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 18.08.2025 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statements of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaq Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaq Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaq Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaq Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaq Magistrate.



After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion. The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition?*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court before the next date of hearing i.e. 11.09.2025.”

3. Pursuant to the aforesaid order, report dated 09.09.2025 from Judicial Magistrate Ist Class, Jalandhar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- “i) Whether there is any other accused other than the petitioner, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in this petition.*
- (iii) Whether any accused has been declared proclaimed offender.*

Statements of complainant Dimple @ Laddi, injured and eye witness Roshan and eyes witness Pardeep were recorded. Complainant Dimple @ Laddi admitted compromise mark A and mark D. Injured and eye witness Roshan admitted compromise mark D. Statements of two accused namely Pankaj Kumar and Manoj Kumar @ Nikka were also recorded. Complainant, injured persons, eye witness and both accused have stated in their respective statements that they have entered into compromise with their own free will and consent, without any pressure or undue influence and admitted the compromise Mark A and mark D on the record.

Statement of ASI Balwinder Kumar No. 1576 has also been recorded who stated that he is the investigating officer of this case. That present FIR was registered on the statement of complainant Dimple @ Laddi against 2 persons namely Pankaj @ Kalu and Manoj Kumar @ Nikka. That this FIR was got registered by the complainant against above mentioned accused for causing injuries to him. That during investigation



statements complainant, eye witness and injured were recorded. That there is no other accused except the above mentioned two accused in the FIR and challan has been presented in the court. That none of the accused have been declared proclaimed offender in this FIR.

Thus, from the above statements of the parties, Investigating Officer and from compromise mark A and mark D, it is reported as following:-

1. That this FIR was lodged by the complainant Dimple @ Ladi against 2 accused namely Pankaj @ Kalu and Manoj Kumar @ Nikka and except these accused, there is no other accused in the present FIR.

2. That complainant Dimple @ Laddi himself and one Roshan were injured in this case and the occurrence was witnessed by Pardeep. Complainant Dimple @ Laddi placed on record mark A which is original compromise deed executed between him and Pankaj @ Kalu and Manoj Kumar @ Nikka. In the petition filed in the Hon'ble High Court, only complainant Dimple @ Laddi is respondent no. 2 and injured Roshan is not party to the petition pending in the Hon'ble High Court. However, injured Roshan also appeared before the court and submitted that he has also compromised the matter with accused namely Pankaj @ Kalu and Manoj Kumar @ Nikka and placed on record mark D. Mark D is original compromise executed between complainant Dimple @ Laddi and injured Roshan with Pankaj @ Kalu and Manoj Kumar @ Nikka. That all the above mentioned persons appeared before the undersigned to get their statements recorded in support of compromise.

3. That it is further submitted that and none of the accused have been declared proclaimed offender in this case.

4. That, from the statements of the complainant, injured, eyes witness, both the accused and Investigating Officer and from compromise Mark A and mark D, it is reported that the compromise entered into between the parties is genuine, voluntarily and without any coercion or undue influence.”

4. Learned counsel for respondent Nos.2 and 3 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.72 dated 12.06.2025 under Sections 115(1), 118(1), 191(3), 190 of BNS, 2023, registered at Police Station Division No.5, District Jalandhar and all consequential proceedings arising



therefrom on the basis of compromise dated 14.07.2025 (Annexure P-2), are,
hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

23.09.2025
jatn

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