



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

292

CRM-M-44517-2025

Date of decision: 29.09.2025

MANMOHAN SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuljit Singh Bal, Advocate for the petitioners.

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

Mr. Ankit Kharbanda, 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.147 dated 13.09.2024 under Sections 315, 120-B, 34 of IPC, registered at Police Station Cantonment, District Police Commissionerate Amritsar, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 05.08.2025 (Annexure P-3), which is stated to have been effected between the parties.

2. On 18.08.2025, the following order was passed:

“This petition has been filed for quashing of FIR No.147 dated 13.09.2024, under Sections 315, 120-B and 34 IPC, registered at Police Station Cantonment, District Police Commissionerate Amritsar, Punjab along with all consequential proceedings arising therefrom, on the basis of compromise dated 05.08.2025 (Annexure P-3) arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.

Ms. Ramta Chowdhary, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Ankit Kharbanda, Advocate accepts notice on behalf of respondent No.2 - complainant and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 09.09.2025 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 29.09.2025. The trial Court shall ensure that the complainant/victim is duly identified by the local counsel while recording his statement. Simultaneously photographs of the complainant/victim be also affixed on his statement by the trial Court.”

3. Pursuant to the aforesaid order, report dated 20.09.2025 from 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; whether any accused is declared as proclaimed offender?

Ans. Four accused person namely Manmohan Singh, Sumit Kaur, Mehtab Singh and Prabjit Kaur are involved in present FIR. No person has been declared as proclaimed person in the present FIR.

2) The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?

Ans. Name of the complainant Davinder Singh son of Surinder Pal Singh, resident of house no.3-0, Shri Karanpur, Distt. Ganganagar Rajasthan. He is the only complainant as well as victim.

3) Whether the stage of trial/proceedings pending?

Ans. No trial/proceedings against them pending.

4) Whether the compromise is genuine, voluntary and without any coercion or under influence?

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

5) Whether the accused persons are involved in any other FIR or not?

Ans. Except present FIR, the accused person are not involved in any other FIR.”

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-3).

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.147 dated 13.09.2024 under Sections 315, 120-B, 34 of IPC, registered at Police Station Cantonment, District Police Commissionerate Amritsar, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 05.08.2025 (Annexure P-3), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

29.09.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No