



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

284

CRM-M-48727-2025

Date of decision: 30.09.2025

JAI KRISHAN

...PETITIONER

V/s

UNION TERRITORY CHANDIGARH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Viren Sibal, Addl. P.P., U.T. Chandigarh.

Mr. Sukhwinder Singh Kainth, 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. 286 dated 04.07.2018 under Section 279, 337 IPC and Section 338 IPC added later on, registered at Police Station Sector 31, Chandigarh (Annexure P-1) as well as setting aside of the conviction order dated 01.05.2023 (Annexure P-2) passed by Judicial Magistrate 1st Class, Chandigarh, where by the petitioner has been convicted and sentenced under Sections 279, 337, 338 of IPC and all consequential proceedings arising therefrom on the basis of compromise dated 22.07.2025 (Annexure P-3), which is stated to have been effected between the parties.

2 On 02.09.2025, the following order was passed:

“The petitioner has 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 petitioner



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. Viren Sibal, Addl. P.P., U.T.Chandigarh has put in appearance on behalf of respondent No.1 and accepts notice.

Mr. Sukhwinder Singh Kainth, 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 parties shall appear before the learned Additional Sessions Judge concerned on 05.09.2025 or any date thereafter as fixed by learned Additional Sessions Judge for recording statements of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, learned Additional Sessions Judge shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to learned Additional Sessions Judge to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by learned Additional Sessions Judge.

(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) Learned Additional Sessions Judge 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 learned Additional Sessions Judge.

After recording the statements of all the affected parties in either of the aforesaid manner, learned Additional Sessions Judge 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. Learned Additional Sessions Judge 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 petitioner, 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. 30.09.2025.”

3. Pursuant to the aforesaid order, report dated 30.09.2025 from District and Sessions Judge, Chandigarh, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1.With regard to point (i): Except accused Jai Krishan, no other accused is arrayed in this petition.
2. With regard to point (ii): Except the complainant Sh. Amritpal Singh Chadha, no other complainant or affected/aggrieved party is arrayed as respondent.
3.With regard to point (iii): No accused has been declared a proclaimed offender in this case.
It is further submitted that the compromise arrived at between the parties is genuine, voluntary, and without any coercion or undue influence. This is submitted for the kind information and consideration of the Hon'ble High Court.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto are quashed along with the conviction of order dated 01.05.2023.

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. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***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 relevant whereof reads thus:-

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 of Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with Page 10 rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh & Ors. vs. State of Punjab & Ors.³ and Laxmi Narayan (Supra).”



8.1. The inherent jurisdiction under section 528 BNSS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the conviction recognizing the continued proceedings would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice



or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice nay substantial justice between the parties and to secure the ends of justice. Therefore, the High Court, in the exercise of its inherent power under section 528 BNSS, 2023/Section 482 Cr.P.C, 1973 has the discretion to quash a conviction where the parties have reached an amicable settlement, provided such compromise does not impinge upon the public interest or undermine justice, as well as the substantial justice.

9. 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 also the conviction of order dated 01.05.2023:-

- (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*



10. Consequently, the petition is allowed. FIR No. 286 dated 04.07.2018 under Section 279, 337 IPC and Section 338 IPC added later on, registered at Police Station Sector 31, Chandigarh (Annexure P-1) as well as setting aside of the conviction order dated 01.05.2023 (Annexure P-2) passed by Judicial Magistrate 1st Class, Chandigarh, where by the petitioner has been convicted and sentenced under Sections 279, 337, 338 of IPC and all consequential proceedings arising therefrom on the basis of compromise dated 22.07.2025 (Annexure P-3), are, hereby, quashed qua the petitioner.
11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

30.09.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No