



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

284

CRM-M-52234-2025

VARINDER KUMAR

....PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

Date of decision: 02.12.2025

Date of Uploading:02.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sahil Soi, Advocate for the petitioner.

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

Mr. Sandeep K. Bansal, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of DDR No.29 dated 09.02.2019 registered as cross case in case FIR No.7 dated 27.01.2018, under Sections 323, 341, 148, 149 of IPC, registered at Police Station Nurmahal, District Jalandhar Rural and all consequential proceedings arising therefrom on the basis of compromise dated 27.08.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 23.09.2025, the following order was passed:

“The petitioner has approached this Court seeking quashing of DDR (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. Amit Kumar Goyal, Addl. AG, Punjab has put in appearance on behalf of respondent No.1-State of Punjab and accepts notice.

Mr. Varun Mittal, Advocate has caused appearance on behalf of respondent Nos.2 & 3, through video conferencing.

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 trial Court/Illaq Magistrate concerned on 01.10.2025 or any date thereafter as fixed by trial Court/Illaq Magistrate 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, 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 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. 29.10.2025.

The petitioner is directed to deposit a sum of ₹20,000/- as costs with the High Court Lawyers Welfare Fund, Bank details whereof reads thus:

Account No.65018692589;

IFSC Code: SBIN0050306;

Branch Code: 50306;

Bank: State Bank of India, High Court Branch, Chandigarh

Payment of costs and production of receipt thereof shall be a condition precedent for recording of statements in the manner directed for hereinabove.”

3. Pursuant to the aforesaid order, report dated 28.10.2025 from Judicial Magistrate, Ist Class, Phillaur, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. In compliance of Order dated 23.09.2025 passed by the Hon'ble Punjab & Haryana High Court in CRM-M-52234-2025, both the parties appeared on 01.10.2025 for recording statement regarding the compromise.

2. In the instant DDR, there is one complainant namely Gagandeep & one injured namely Sher Singh and one accused namely Varinder Kumar.

3. The complainant and accused have appeared before the undersigned alongwith their respective Counsels.

Sh. Amarjit Mall Advocate, appeared and filed power of attorney on behalf of complainant & injured and identified them. Complainant and injured have suffered a separate statement that instant DDR was registered at the instance of complainant against above said accused and they have compromised the matter with the accused in the present case. The compromise is genuine, voluntarily, with their free will and without any coercion, undue influence, inducement or threat from any side. They have no objection if present DDR is quashed against the accused.

Similarly, Sh. Deepak Kumar, Advocate, appeared and filed power of attorney on behalf of accused and identified him. Accused has suffered a statement that complainant and injured have compromised the matter with him. The compromise is genuine, voluntarily, with their free consent, without any undue influence and pressure from any side. Except them, there is no other accused involved in the present case and the accused has never been absconding or declared PO in the present case.

Investigating Officer SI Gurnam Singh no.185/Jal ®



4. who has also stated by suffering the statement that as per the police record of this case, in the present FIR, there are five accused namely Varinder Kumar, Tajinder Kumar @ Rikka, Kamal Kumar @ Kamba, Ravi Kumar @ Ravi, Vikram Chakarwai and Jagdish Kumar (@ Jagdish. Except them no one is accused in the present FIR. There is one complainant in the present case namely Gagandeep Singh and one injured namely Sher Singh. The accused Varinder Kumar was declared as Proclaimed Offender vide order dated 22.07.2019 and released on bail on 05.09.2025. However, the accused Tajinder Kumar @ Rikkam Kamal Kumar @ Kamba, Ravi Kumar @ Ravi, Vikram Chakarwati and Jagdish Kumar @ Jagdish, got acquitted from the charges framed on 21.09.2023 in the present case. The police has no objection if the present DDR be quashed as per the compromise between complainant and accused.

5. I am satisfied that the compromise arrived at between the complainant and accused is genuine, voluntarily, with their free consent, without any fear, undue influence or coercion.

From the statement of investigating officer, it is clear that now, neither of the parties are proclaimed offender in the present DDR. Complainant has stated in his statement before the undersigned that he has compromised the matter voluntarily, with his free consent, without any fear, undue influence or coercion, with the accused, in the present case and has no objection if the present DDR be quashed against the accused. The statements of the complainant and accused are duly countersigned by their respective counsels in order to identify them. ”

4. Learned counsel for respondent Nos.2 and 3 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner 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. DDR No.29 dated 09.02.2019 registered as cross case in case FIR No.7 dated 27.01.2018, under Sections 323, 341, 148, 149 of IPC, registered at Police Station Nurmahal, District Jalandhar Rural and all consequential proceedings arising therefrom on the basis of compromise dated 27.08.2023 (Annexure P-2) are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

02.12.2025

jatin

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No