



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

293

CRM-M-54519-2025

DIVYA DAS

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 19.11.2025

Date of Uploading:19.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Vini Rana, Advocate for the petitioner.

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

Mr. Nishant Sehgal, 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.62 dated 01.06.2023 under Section 420 of IPC, 1860 registered at Police Station Division-E, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 14.08.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 25.09.2025, the following order was passed:

"The present petition under Section 528 of BNSS, 2023, is for quashing of FIR No.62 dated 01.06.2023 under Section 420 of IPC, registered at Police Station Division E, District Police Commissionerate Amritsar, along with all other consequential proceedings arising therefrom, on the basis of compromise dated 14.08.2025 (Annexure P-2).

Notice of motion.

On the asking of this Court, Ms. Gagandeep Kaur, DAG, Punjab, accepts notice on behalf of the respondent No.1-State. At this stage, Mr. Nishant Sehgal, Advocate, accepts notice on behalf of the respondent No.2. He admitted the correctness of compromise and stated that he has no objection if this petition is allowed.



Let the parties be directed to appear before the learned trial court/Illaqa Magistrate within four weeks and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 19.11.2025 for awaiting the report.
A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through electronic mode, for compliance.”

3. Pursuant to the aforesaid order, report dated 30.10.2025 from Additional Chief Judicial Magistrate, Amritsar, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. That as per the statement of Investigating Officer, only one person namely Divya Das has been involved as accused in the present FIR.

2. That as per the statement of Investigating Officer, no accused is absconding or proclaimed offender in this case.

3. Than challan in the case was presented on 19.02.2025 in the absence of accused and notice to accused was issued but as accused did not appear, her non bailable warrants have been issued for 04.11.2025, Charge against accused is yet to be framed.

4. That in view of the statements recorded by both the parties, the compromise is genuine, voluntary, without any coercion or undue influence and is not the result of any fraud or misrepresentation and is result of free will of the parties.”

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 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. FIR No.62 dated 01.06.2023 under Section 420 of IPC, 1860 registered at Police Station Division-E, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 14.08.2025 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

19.11.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No