



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-57071-2024

Date of decision: 10.09.2025

RAGHU RAJA AND ORS.

....PETITIONERS

V/s

STATE OF PUNJAB AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harmanpreet Singh, Advocate for the petitioners.

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

Mr. Rahul Rana, Advocate for

Mr. Harinderpal Singh, Advocate for respondents No.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.22 dated 13.04.2012 under Sections 307 (substituted with 326 later on), 326, 324, 323, 34 of IPC, registered at Police Station Division No.1, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 07.11.2024 (Annexure P-1), which is stated to have been effected between the parties.

2. On 26.11.2024, the following order was passed:

“Prayer in the instant petition is for quashing of FIR No.22 dated 13.04.2012 under Sections 307 (substituted with Section 326 later on), 324, 323, 34 of the IPC registered at Police Station Division No.1, District Pathankot along with all consequential proceedings arising therefrom on the basis of compromise dated 07.11.2024 (Annexure P- 1).

Learned counsel appearing for the petitioners submits that subsequent to the registration of the FIR in question the parties with the intervention of the respectables have amicably resolved all their disputes, and hence continuation of criminal proceedings would serve no useful purpose.

On a pointed query put to the learned counsel as to what is the seat of injury, it has been submitted that it is on the thigh of



respondent No.2. On a further query as to whether all the accused had been impleaded as petitioners and as to whether the compromise stood effected between the complainant and all the accused, it has been submitted that the compromise stands effected between the petitioners to the exclusion of the fourth accused Rohan Robbert, who is untraceable for the last 12 years.

Notice of motion.

On asking of the Court, Mr. Navdeep Singh, DAG, Punjab, accepts notice on behalf of respondent No.1-State. At this stage, Mr. Harinderpal Singh, Advocate, has put in an appearance on behalf of respondents No.2 and 3 and filed his Power of Attorney which is taken on record. He does not dispute the submissions made by counsel opposite qua the parties having amicably settled all their disputes. The prayer for quashing of the FIR in question on the basis of compromise has also not been opposed by the learned counsel appearing for respondents No.2 and 3. It has been further submitted that in case the fourth accused, who is not a party in the present petition, is traced out in the near future, the private respondents would not oppose the quashing of the FIR in question qua him also.

In view of the above, parties are directed to appear before the Illaqa Magistrate/Trial Court on 18.12.2024 or any other date thereafter convenient to that Court for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/Trial Court is directed to record the statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntary and out of free will.*
- v. Criminal antecedents, if any, of the accused.*

The Illaqa Magistrate/Trial Court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 29.01.2025. ”

3. Pursuant to the aforesaid order, report dated 15.01.2025 from District and Sessions Judge, Pathankot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-



“Most respectfully, it is submitted that vide order dated 26.11.2024 passed in CRM-M No. 57071 of 2024, Hon'ble High Court had directed this Court to record statements of the parties, in the case referred above regarding the matter having been compromised. Accordingly, in view of the above said direction, joint statement of complainant namely Ashu s/o Sanjay and injured person namely Manav s/o. Yashpal were recorded on 18.12.2024. Wherein they categorically deposed that they have arrived to a 'Compromise' with the accused party with intervention of respectables. They further deposed that the fourth accused namely Rohan Robert who is untraceable for last twelve years and who is not the party in present case, if traced out no proceedings shall be initiated against him. Complainant and injured categorically deposed that they have arrived to a compromise out of their free will and without any threat, coercion or undue influence and none of the accused is a proclaimed offender. It has further been submitted that rights of third party will not be effected by this compromise.

Similarly, accused persons namely Raghu Raja @ Raghu, Jagjit Singh @ Jaggi and Ashish Badhan have also given statement on 18.12.2024 that they have arrived to a compromise with the opposite party. None of the accused is a proclaimed offender. The rights of third party will not be effected by this compromise and this compromise has been arrived at without any threat, pressure or coercion. Further more statement of Insp. Davinder Kashni, No. 6061/BRT, SHO at PS Division No. 1, Pathankot was recorded on 09.01.2025 whereby he disclosed that none of the accused persons is of proclaimed offender and also deposed that four FIR's are registered against accused Raghu Raja @ Raghu and six FIR's are registered against accused Jagjit Singh @ Jaggi, whereas no FIR apart from present case is registered against accused Ashish Badhan.

Accordingly, in view of the statements of the complainant, injured and accused persons along with their Advocates, this Court is of the considered view that a compromise has been effected between the parties out of their free will and without any pressure or 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-1).



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.22 dated 13.04.2012 under Sections 307 (substituted with 326 later on), 326, 324, 323, 34 of IPC,



registered at Police Station Division No.1, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 07.11.2024 (Annexure P-1), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

10.09.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No