



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

304

CRM-M-63264-2024

Date of decision: 15.07.2025

MOHIT KALRA AND ANOTHER

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Bawa, Advocate for the petitioners.

Mr. Durgesh Garg, AAG, Punjab.

Mr. Vishnu Dutt, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Sections 528 of BNSS praying for quashing of the case/FIR No.211 dated 04.07.2024 under Sections 115(2), 118(1), 333 of BNS, 2023, registered at Police Station, Division No.7, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 16.10.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 17.12.2024, the following order was passed:

“The petitioners have 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. Notice of motion for 7.7.2025.

At this stage, Mr. Vishnu Dutt, Advocate has put in appearance on behalf of respondent No.2/complainant and has filed Power of Attorney, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date.



After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioners, 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?*
- (iv) 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 report be submitted before this Court on or before the next date.”

3. Pursuant to the aforesaid order, report dated 04.07.2025 from Judicial Magistrate Ist Class, Ludhiana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“With reference to order dated 17.12.2024 passed by Hon'ble High Court of Punjab & Haryana at Chandigarh in CRM-M-63264-2024 titled as "Mohit Kalra and another Vs. State of Punjab and another" vide which trial court was directed to record the statements of the parties with regard to compromise and to report regarding the genuineness of compromise. But as per directions of Hon'ble High Court, none has appeared before this Court till today i.e. 04.07.2025.

However, the statement of IO ASI Malkit Singh, No. 2750/Ldh. was recorded and same is annexed herewith, as per which complainant Rahul got registered the present FIR bearing No. 211 dated 04.07.2024, under Sections 151(2), 118(1), 33 BNS, P.S. Division No. 7, Ludhiana against accused Mohit Kalra and Depenbudhi Raja. He further stated that both these accused have been released on anticipatory bail. Challan in the present case is yet to be presented. During investigation, no other accused is found guilty. He further stated that both these accused are not proclaimed offender in the present FIR and further no other case is pending against them.”

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-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.211 dated 04.07.2024 under Sections 115(2), 118(1), 333 of BNS, 2023, registered at Police Station, Division No.7, District Ludhiana and all consequential proceedings arising

therefrom on the basis of compromise dated 16.10.2024 (Annexure P-2), are,
hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

July 15, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No