



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

258

CRM-M-64311-2024

Date of decision: 07.08.2025

PARTH BAKSHI AND ANR

...PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Behl, Advocate for the petitioners.

Mr. Vishal Singh, AAG, Haryana.

Mr. Parveen Sharma, Advocate for respondents No.2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973) praying for quashing of FIR No.263 dated 09.05.2023 under Sections 323, 324, 34 and 506 of IPC (Section 326 of IPC added later on) registered at Police Station Mahesh Nagar, District Ambala and all consequential proceedings arising therefrom on the basis of compromise dated 05.12.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 20.12.2024, the following order was passed:

“Prayer in this petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.263 dated 09.05.2023, under Sections 323, 324, 34 and 506 IPC, registered at Police Station Mahesh Nagar, District Ambala along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 05.12.2024/08.12.2024 (Annexure P-2).

2. Notice of motion.

3 Upon advance notice, Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of respondent No.1/State and Mr. Parveen Sharma, Advocate has put in appearance on behalf of



respondent No.2 and files his Vakalatnama in Court, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

4. In view of the above, the parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 23.12.2024 or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 10.02.2025.”

3. Pursuant to the aforesaid order, report dated 27.01.2025 from Judicial Magistrate Ist Class, Ambala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. As per the statement of Investigating Officer, there are only two persons named in the FIR i.e. Gurbaaj Singh and Parth Bakshi and both the persons appeared before the Court and made their statements jointly. None of the above named persons have absconded/declared proclaimed offender in any case.

2. Complainant is Vansh son of Bal Kishan who has appeared to make a statement with respect to compromise. However, as per the careful reading of the chargesheet, complainant Vansh Kumar has mentioned that he along with his friend Lovepreet were injured in the incident. As manifest from the statement of both the parties, compromise has not been effected with Lovepreet. He has also not appeared for making a statement regarding compromise.

3. As per the statement of Investigating Officer, chargesheet was filed against one person namely Gurbaaj and qua Parth Bakshi Juvenile calendra was filed before the Learned Juvenile Justice Board, Ambala. Presently, both the cases are at the stage of evidence of prosecution.



4. Compromise effected between parties appearing is genuine, voluntary and without any coercion or undue influence.

5. As per the statement of Investigating Officer, there is no other criminal case pending against Gurbaaj and Parth Bakshi.”

4. Pursuant to the order dated 25.04.2025 another report dated 22.05.2025 from Judicial Magistrate Ist Class, Ambala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“2. On 14.05.2025, applicant/injured Lovepreet Singh and accused persons namely Gurbaaj Singh and Parth Bakshi appeared for recording their statements. Injured Lovepreet Singh suffered a statement and duly identified by his counsel stated that he has compromised the matter with petitioners/accused persons namely Gurbaaj Singh son of Swarnjeet Singh and Parth Bakshi son of Sanjay Bakshi in the proceedings of case in FIR No.263 dated 09.05.2023 under Sections 323, 324, 506, 34 of IPC(Section 326 of IPC later on added) registered at Police Station Mahesh Nagar, District Ambala. Compromise has been effected with free consent which is genuine, voluntary and without any coercion or undue influence. He further stated that he has no objections, if the proceedings of the above-said FIR are quashed qua persons namely Gurbaaj Singh and Parth Bakshi only.

3. On the other hand, accused persons namely Gurbaaj Singh and Parth Bakshi suffered a joint statement to the effect that compromised has been effected with the complainant Vansh as well as injured Lovepreet Singh. The compromise effected with free consent without any coercion and undue influence. The compromise is voluntarily entered between them and complainant. He further submitted that the present FIR may kindly be quashed.

4. It is pertinent to mention here that the point-wise reply in compliance of order dated 20.12.2024 passed by the Hon'ble High Court has already been sent by Learned Predecessor vide her report dated 27.01.2025. Furthermore, it is brought into kind notice to Hon'ble High Court that on dated 02.01.2025 statement of IO ASI Rajesh Kumar has already been recorded by learned Predecessor Court and wherein IO ASI Rajesh Kumar had stated that he was the Investigating Officer in this case. He further stated that there are only two persons named i.e. Gurbaaj son of late Sh. Swarnjeet Singh and Parth Bakshi son of Sanjay in the proceedings of case FIR No.263 dated 09.05.2023 under Sections 323, 324, 326, 506,34 IPC registered at Police Station Mahesh Nagar, District Ambala. Chargesheet was filed against one person namely Gurbaaj and



qua Parth Bakshi Juvenile calendra was filed before the learned Juvenile Justice Board, Ambala. There is no other criminal case pending against Gurbaaj and Parth Bakshi. None of the above named persons have been declared proclaimed offender in any case. Presently, both the cases are at the stage of evidence of prosecution.

5. After recording of statements of both the parties and Investigating Officer, this court is of the considered view that the compromise has been effected between the injured/aggrieved Lovepreet and accused persons namely Parth Bakshi and Gurbaz Singh and the compromise is genuine, voluntary and without any coercion or undue influence.”

5. 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.

6. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

7. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

8. 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.

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 :-

- (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.263 dated 09.05.2023 under Sections 323, 324, 34 and 506 of IPC (Section 326 of IPC added later on) registered at Police Station Mahesh Nagar, District Ambala and all consequential proceedings arising therefrom on the basis of compromise dated 05.12.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

07.08.2025

jatn

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No