



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

327

CRM-M-3459-2026

MALKEET SINGH ALIAS MALKIT SINGH AND OTHERS
....PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

Date of decision: 12.03.2026

Date of Uploading: 12.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

Mr. H.S. Sidhu, 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.113 dated 03.08.2022 under Sections 452, 323, 148, 149 of IPC (Section 201 of IPC added later on), registered at Police Station Sadar Jalalabad, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 10.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 29.01.2026, the following order was passed:

“This is a petition under Section 528 of BNSS, 2023 for quashing of FIR No.113, dated 03.08.2022 (Annexure P-1), under Sections 452, 323, 148, 149 IPC (Section 201 IPC added later on), registered at Police Station Sadar Jalalabad, District Fazilka, with all subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 10.12.2025 (Annexure P-2).

Notice of motion.



On the asking of the Court, Mr. Sahil Chowdhary, AAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr. H.S. Sidhu, Advocate has put in appearance on behalf of respondents No.2 & 3 and has filed Power of Attorney, which is taken on record. He admits the factum of compromise entered into between the parties.

List on 20.02.2026.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?*
- (v) Whether compromise is complete or partial?*
- (vi) Whether offence has been enhanced after registration of FIR?"*

3. Pursuant to the aforesaid order, report dated 17.02.2026 from Judicial Magistrate Ist Class, Jalalabad has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. The FIR in the present case was registered against six persons namely Malkit Singh, Gurmeet Singh, Joginder Singh, Krishan Singh, Sunita Rani and Suman Rani and challan in the present case was also presented against above-mentioned accused persons and Chhinder Singh @ Surinder Singh was kept in column no.2 i.e. arrest yet to be effected but he also appeared in the court alongwith other accused persons and made joint statement with regard to compromise.

2. As per statement of IO, no accused has been declared as Absconder/Proclaimed Person.

3. From the statement of the complainant, her husband Malkit Singh and the accused persons, the compromise effected between the parties seems to be genuine, voluntary and without any coercion or undue influence.

4. As per statement of accused persons and IO, accused persons are not involved in any other FIR.

5. The compromise seems to be effected fully between the parties and not partial.



6. As per the police report submitted in the court, offence under Section 201 of IPC has been enhanced after the registration of FIR vide rapat no.27 dated 26.9.2022.”

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-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.113 dated 03.08.2022 under Sections 452, 323, 148, 149 of IPC (Section 201 of IPC added later on), registered at Police Station Sadar Jalalabad, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 10.12.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

12.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No