



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M No.4377 of 2026

Date of Decision: 24.03.2026

Date of Uploading: 25.03.2026

Balkar Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Prashant Bansal, Advocate
for the petitioners.
(joined through Video-Conferencing)

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Sumit Dua, Advocate
for respondents No.2 to 4.
(joined through Video-Conferencing)

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.395 dated 04.12.2014 under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Tripuri Town, District Patiala, and all subsequent proceedings arising therefrom on the basis of compromises (Annexures P-2 and P-3).

2. On 29.01.2026, the following order was passed by this Court:

*“The petitioners has 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.

*Learned counsel for the petitioners has submitted that all concerned are parties to the present petition in terms of the dicta of the Division Bench judgment of this Court passed in CRM-M-48043-2023, titled **Rakesh Das v. State of Haryana and another**, decided on 12.11.2024.*

Notice of motion.

On the strength of advance service of copy of petition; Mr. Baljinder Singh Sra, Additional AG Punjab causes appearance and accepts notice on behalf of respondent No.1 – State of Punjab.

Mr. Sumit Dua, Advocate has entered appearance on behalf of respondents No.2 to 4. They ratify the factum of compromise having been effected between the parties.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

- (i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 04.02.2026 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statements of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaq Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaq Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaq Magistrate.*
- (ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*
- (iii) The trial Court/Illaq Magistrate may also choose to get the statements of the parties recorded through some*

Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaq Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to 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 trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (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?*

The report be submitted before this Court before the next date of hearing i.e. 23.02.2026.

The petitioners are directed to deposit a sum of ₹40,000/- as costs with the Punjab & Haryana High Court Employees Welfare Association, Bank details whereof reads thus:

Account No.37167209613;

IFSC Code: SBIN0050306;

Branch Code: 50306;

*Bank: State Bank of India, High Court Branch,
Chandigarh*

*Payment of costs and production of receipt thereof shall
be a condition precedent for recording of statements in the
manner directed for hereinabove.*

*It is explicit that depositing of costs shall not create any
kind of equities in favour of the petitioners.”*

3. Pursuant to the aforesaid order, report dated 09.03.2026 from learned Judicial Magistrate 1st Class, Patiala, has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“I have the honour to submit that vide order dated 29.01.2026, in CRM-M-4377-2026 titled as "Balkar Singh & ors. v. State of Punjab & others" the parties were directed to appear before the Illaqa Magistrate for recording their statements, with regard to compromise arrived at between the parties and to send a report along with copies of the statements of the parties before the next date of hearing i.e. 23.02.2026.

In compliance of the same, the parties i.e. complainant Gurdeep Singh, aggrieved person- Sukhbir Singh and the accused persons namely Balkar Singh, Amar Singh, Iqbal Singh, Lal Singh and Jagroop Singh, appeared before the Court of undersigned. Their statements were recorded. The complainant- Gurdeep Singh, was duly identified by his counsel Shri L.S. Kaliraun Advocate and he also placed on record copy of his Aadhaar card as Ex.C1 and aggrieved person placed on record copy of his Aadhaar Card as Ex.C2. Accused persons placed on record copies of their Aadhaar Cards Ex.C3 to Ex.C7 and they are identified by their counsel

Sarvshri S.S. Saggu and M.S. Sahota Advocates. In view of the statements, so suffered by the parties, this Court is of the considered view that the parties, seem to have arrived at a voluntary compromise, which appears to be genuine and out of free will of the parties.

This Court has been directed to furnish the information as under:

1. Whether there is any other accused other than the petitioners, arrayed in this petition?

---There are six accused involved in the present case namely Balkar Singh, Amar Singh, Iqbal Singh, Lal Singh and Jagroop Singh out of them accused Baljijt Singh has died and proceeding against him abated vide order dated 30.03.2024. All have appeared and made statements.

2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

---Yes Sukhbir Singh is aggrieved person, whose statement recorded today in the court.

3. Whether any accused has been declared proclaimed offender?

----No accused has been declared as proclaimed offender.”

4. Learned counsel for respondents No.2 to 4 admits the factum of parties having compromised and states that he has no objection in case the impugned FIR is quashed.

5. Similarly, learned State counsel has stated that he has no objection in case the impugned FIR is quashed as the parties have

compromised the matter amicably.

6. I have heard learned counsel for the parties and have carefully gone through the records of the case.

7. This Court and 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 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 charge-sheet 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 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.

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 BNS, 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.395 dated 04.12.2014 under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered

at Police Station Tripuri Town, District Patiala; and all consequent proceedings arising therefrom, on the basis of compromises (Annexures P-2 and P-3), are, hereby, quashed qua the petitioners.

March 24, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*