



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

273

CRM-M-7579-2026

NAGAR MAL AND OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

Date of decision: 30.03.2026

Date of Uploading: 01.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Mahal, Advocate for the petitioners.

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

Mr. Sukhbir Maandi, Advocate for respondent No.2.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.0111 dated 27.11.2025 under Sections 115(2), 118(1), 118(2), 3(5) of BNS, registered at Police Station Bhaini Mian Khan, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 09.02.2026, the following order was passed:

“Present petition has been filed praying for quashing of FIR No.0111, dated 27.11.2025, under Sections 115(2), 118(1), 118(2), 3(5) of BNS, 2023, registered at Police Station Bhaini Mian Khan, District Gurdaspur along with all subsequent proceedings arising therefrom, on the basis of compromise dated 23.12.2025 (Annexure P-2).



Learned counsel appearing on behalf of the petitioners has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. At this stage, Mr. Sukhbir Maandi, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken in record. He has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 30.03.2026.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 25.02.2026 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 02.03.2026 from Judicial Magistrate Ist Class, Gurdaspur has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. There are three accused namely Nagar Mal, Raj Kumar, Shamsher Singh arrayed in the FIR. They appeared and have made statement.

2. No other FIR is registered against any of the accused. The accused persons are not declared Proclaimed Person or Proclaimed Offender in the present case or in any other case nor any such proceedings against them have been initiated or pending adjudication.

3. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.

4. The statement of ASI Tirath Ram No. 724/GSP P.S. Bhaini Mian Khan is also recorded as per which there is only one complainant/victim namely Sewa Singh.”



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.0111 dated 27.11.2025 under Sections 115(2), 118(1), 118(2), 3(5) of BNS, registered at Police Station Bhaini Mian Khan, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

30.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No