



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

297

CRM-M-10890-2025

JAGSEER SINGH AND ORS

....PETITIONERS

V/s

STATE OF PUNJAB AND ORS

....RESPONDENTS

Date of decision: 03.02.2026

Date of Uploading: 03.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Kirandeep Kaur, Advocate for the petitioners.

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

Mr. J.S. Dhaliwal, Advocate for respondent Nos. 2 and 3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of DDR No. 22 under Section 323, 324, 148, 149 of IPC, 1860 registered at Police Station Lakhewali, District Sri Mutksar Sahib, Punjab (in the matter of FIR No.19 dated 09.03.2019 under Sections 323, 324, 148, 149 of IPC (Section 325 of IPC added subsequently vide DDR No.25 dated 18.04.2019) registered at Police Station Lakhewali, District Sri Muktsar Sahib, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 10.01.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 28.02.2025, the following order was passed:

“Prayer is for quashing of DDR no.22 Annexure P-1 under Sections 323, 324, 148, 149 IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib in FIR No.19 dated 09.03.2019 under Sections 323, 324,



148, 149 IPC (Section 325 IPC added subsequently vide DDR No.25 dated 18.04.2019), registered at Police Station Lakhewali, District Sri Muktsar Sahib, Annexure P-3, on the basis of compromise.

Notice of motion.

At this stage, Mr. Jaskirat Sinigh Dhaliwal Advocate, accepts notice on behalf of the complainant/respondent No.2 and 3. He admitted the correctness of compromise and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. J.S. Dhaliwal, AAG, Punjab accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaqa Magistrate on 17.03.2025 or any other date convenient to the trial Court/Illaqa Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Stage of the trial/proceedings.
4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

To come up on 08.05.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through electronic mode, for compliance.”

3. Pursuant to the aforesaid order, report dated 23.05.2025 from Sub Divisional Judicial Magistrate Ist Class, Malout has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. It is submitted that complainant namely Sukhbeer Singh, eye- witness/injured person namely Amritpal Singh son of Balvir Singh and accused namely Jagseer Singh son of Swaran Singh, Sukhjinder Singh son of Balwinder Singh, Lakhveer Singh son of Swaran Singh and Sukhpal Singh son of Mithu Singh in their respective statements have stated on oath that the matter has been mutually compromised between them and after perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties.

2. In response to para no. (i) it is submitted that as per statement of Investigating officer only four persons namely Jagseer Singh, Sukhjinder Singh, Lakhveer Singh and Sukhpal Singh are arrayed as accused in the FIR.

3. In response to para no. (ii), it is submitted that as per statement of investigating officer, no accused has been declared proclaimed offender.

4. In response to para no. (iii), it is submitted the case is at the stage of prosecution evidence.

5. In response to para No. (4) it is submitted that the compromise is genuine, voluntary and without any coercion or undue influence.”

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. DDR No. 22 under Section 323, 324, 148, 149 of IPC, 1860 registered at Police Station Lakhewali, District Sri Muktsar Sahib, Punjab (in the matter of FIR No.19 dated 09.03.2019 under Sections 323, 324, 148, 149 of IPC (Section 325 of IPC added subsequently vide DDR No.25 dated 18.04.2019) registered at Police Station Lakhewali, District Sri Muktsar Sahib, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 10.01.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

03.02.2026

jatin

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No