



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

155

CRM-M-9052-2026

KISHORI LAL AND ORS

...PETITIONERS

V/s

STATE OF PUNJAB AND ORS

...RESPONDENTS

Date of decision: 01.04.2026

Date of Uploading:01.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Daljeet Singh Randhawa, Advocate and
Mr. Ranbir Singh Bullar, Advocate for the petitioners.

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

Mr. Amandeep Singh Manaise, 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. 74 dated 09.07.2025 under Sections 299, 351(3), 324(2), 61(2) of BNS, registered at Police Station Shahpur Kandi, District Pathankot, and all consequential proceedings arising therefrom on the basis of compromise dated 01.08.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 17.02.2026, the following order was passed:

“This petition has been filed for quashing of FIR No.74, dated 09.07.2025, registered under Sections 299, 351(3), 324(2), 61(2) of BNS, at Police Station Shahpur Kandi, District Pathankot along with all subsequent proceedings arising therefrom, on the basis of compromise dated 01.08.2025 (Annexure P-2) arrived at between the parties.



Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed person(s).

Notice of motion.

Ms. Ruchika Sabherwal, learned Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Amandeep Singh Manaise Advocate accepts notice on behalf of respondents No.2 and 3 and has filed his power of attorney. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 27.02.2026 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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/proclaimed persons, 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 pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 27.03.2026. The trial Court shall ensure that the complainant(s)/victim(s) is/are duly identified by the local counsel while recording his/her/their statement(s). Simultaneously photographs of the complainant(s)/victim(s) be also affixed on his/her/their statement(s) by the trial Court.”

3. Pursuant to the aforesaid order, report dated 17.03.2026 from Judicial Magistrate Ist Class, Pathankot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. There are file accused namely Kishori Lal, Kalyan Chand, Kamlesh Kumari, Varinder Nath and Lekh Raj in the present FIR. All the accused have appeared before the court for recording their statement qua compromise.

As per report of Investigating Officer and as per case file, accused have not been declared proclaimed offender.



2. As per police record, statement of complainant Ravi Goyal as well as statement of Investigating Officer, there are two complainants namely Ravi Goyal and Sanjay Prashar who had set a criminal law in motion. Out of them only Ravi Goyal has appeared for making statement qua compromise. Other complainant Sanjay Prasher is neither party before Hon'ble High Court nor has appeared to make a statement qua compromise.

Undersigned is hesitant to add that otherwise both the complainants were aggrieved only in the sense that they were devotees of (Sangat Samtavad Trust). Said Sangat Samtavad and Trust having head office at Samtayog Ashram is otherwise represented before Hon'ble High Court through the authorized representative and Special Power of Attorney Munish Bajaj who appeared before this court for making statement qua the compromise on the basis of a power of attorney dated 06.08.2024 executed in his favour by the Trust by President of Sangat 1 Samtavad and Trust having head office at Samtayog Ashram. The attorney, however, pertains to date prior to registration of the FIR and in relation to the matters pertaining to land of the Ashram situated in Pathankot. Of course, in relation to said land of the Ashram, he has been authorized to prosecute or defend cases in court.

3. The case is pending investigation and challan has not been presented so far.

4. In view of the statement of both the parties and on their general examination, undersigned is satisfied that the compromise has been executed by the parties by their own volition and without any threat or pressure from any quarter. Further from the demeanor of the parties, the compromise appears to be genuine and without any undue influence or coercion as the dispute has been settled amicably.

5. As per statement of Investigating Officer and own statement of accused besides the present case, no other criminal case or proceedings is pending against the accused.”

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. 74 dated 09.07.2025 under Sections 299, 351(3), 324(2), 61(2) of BNS, registered at Police Station Shahpur Kandi, District Pathankot, and all consequential proceedings arising therefrom on the basis of compromise dated 01.08.2025 (Annexure P-2), are, hereby, quashed.
10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

01.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No