



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-16188-2025

LOVEJEET KUMAR ALIAS LOVE

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 22.05.2026

Date of Uploading:22.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vishesh Dogra, Advocate for the petitioner.

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

Mr. Gagandeep Kumar, Advocate for respondent No.2
(Through VC).

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.31 dated 12.04.2017 under Sections 406, 420 of IPC and Section 24 of Immigration Act, registered at Police Station Haryana, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of compromise dated 04.03.2025 (Annexure P-4), which is stated to have been effected between the parties.

2 On 26.03.2025, the following order was passed:

“The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 for quashing of FIR No. 131 dated 12.04.2017 registered under Sections 406, 420 of the Indian Penal Code, 1860, at Police Station Haryana, District Hoshiarpur and all subsequent proceedings arising there-from on the ground that the parties have since compromised the



matter vide compromise deed dated 04.03.2025 (Annexure P-2).

Learned counsel for the petitioners would contend that the coaccused of the petitioner have already compromised the matter earlier except the present petitioner on 29.05.2017, as the petitioner was in Dubai, UAE and could not sign the compromise deed dated 29.05.2017. Even the coaccused of the petitioner filed quashing petition i.e CRM-M-44618-2017 titled as "Rajinder Kumar and others vs. State of Punjab and others" in this Court and the same was allowed, vide order dated 15.03.2018 passed by this Court.

Learned counsel for the petitioner contends that the present petitioner was in Dubai, UAE at the time when the earlier compromise was effected with other co-accused, vide compromise deed dated 29.05.2017 and now the matter stands compromised with the present petitioner as well. Respondent No. 2/complainant has agreed to get his statement recorded before the trial Court for quashing of the present FIR.

Learned counsel for the petitioner has relied upon the judgment passed by the Larger Bench of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On asking of the Court, Mr. Jasjeet Singh Dhaliwal, AAG Punjab and Ms. Gunika Mahendru, Advocate, accept notice on behalf of respondent-State and respondent No. 2 respectively. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. She further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 08.05.2025.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 23.04.2025 or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :



- 1) Whether the settlement/compromise dated 04.03.2025 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

3. Pursuant to the aforesaid order, report dated 05.05.2025 from Judicial Magistrate, Ist Class, Hoshiarpur, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- “(1) From the statements of the parties, it appears that the compromise effected between the parties is without any undue influence, coercion or pressure of any kind.*
- (2) As per statement of ASI Gurchain Singh, no other criminal case is pending against either of the parties.*
- (3) No accused has been declared as Proclaimed Offender and no proclamation proceedings are pending either of the parties.”*

4. Learned counsel for respondent No.4 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner is 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.31 dated 12.04.2017 under Sections 406, 420 of IPC and Section 24 of Immigration Act, registered at Police Station Haryana, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of compromise dated 04.03.2025 (Annexure P-4), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

22.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No