



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

160

CRM-M-16922-2024

KUSH

....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

Date of decision: 24.02.2026

Date of Uploading: 24.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mahi Pal S. Yadav, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Suresh Nain, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.28 dated 21.01.2024 under Sections 148, 149, 323, 341, 506 of IPC, registered at Police Station Kurukshetra University, District Kurukshetra and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.03.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 08.04.2024, the following order was passed:

“The Prayer in this petition under Section 482 Cr.PC is for the quashing of the FIR No.28 dated 21.01.2024 under Sections 149, 148, 323, 341, 506 IPC registered at P.S. Kurukshetra University, District Kurukshetra and all other consequential proceedings arising therefrom, on the basis of compromise dated 11.03.2024 (Annexure P-2) entered into between the parties.



Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 11.03.2024 (Annexure P-2) according to which, both the parties have agreed not to proceed further with the FIR in question. Notice of motion for 04.09.2024.

Mr. R.K. Malik, DAG Haryana accepts notice on behalf of respondent no.1-State of Haryana whereas Mr. Rajesh Tushar, Advocate accepts notice on behalf of respondent nos.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which, complainant does not wish to press the allegations alleged in the complaint any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 16.05.2024 with regard to the compromise dated 11.03.2024 (Annexure P-2) by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question. The petitioners shall deposit a cost of Rs.25,000/- with the Society for the Care of the Blind, Sector 26, Chandigarh Account No.10506615304, IFSC Code SBIN0003246 State Bank of India, Sector 7, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”*

3. Pursuant to the aforesaid order, report dated 24.05.2024 from Judicial Magistrate, Ist Class, Kurukshetra, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. A number of persons arrayed as accused in the FIR are six. An FIR has been registered against four known persons namely Kush son of Janak Singh, Husanpreet son of Gurmeet Singh, Gurjeet Singh son of Jaspal, Aman son of Surmurat Singh and against two unknown persons.



2. *None of the accused is a proclaimed offender.*
3. *The compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.*
4. *Accused Kush is not involved in any other FIR.*
5. *Yes, the statements of the complainant and all the victims/persons aggrieved have been recorded.*
6. *Yes, the statement of the Investigating officer qua the number of victims/complainants in the FIR and all the victims/complainant as well as accused are party to the compromise in question have been recorded.”*

4. Learned counsel for respondent No.2 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.*

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 482 of Cr.P.C. 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.28 dated 21.01.2024 under Sections 148, 149, 323, 341, 506 of IPC, registered at Police Station Kurukshetra University, District Kurukshetra and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.03.2024 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

24.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No