



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

144

CRM-M-15657-2026 (O&M)

NITIN KUMAR @ NITIN VERMA AND OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 30.04.2026

Date of Uploading: 30.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Chugh, Advocate for the petitioners
(Through VC).

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Bhavesh Aggarwal, 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.29 dated 10.02.2026 under Sections 331(6), 115(2), 351(2), 191(3) & 190 of BNS, registered at Police Station Dakha, Ludhiana (Rural) and all consequential proceedings arising therefrom on the basis of compromise dated 06.03.2026 (Annexure P-2), which is stated to have been effected between the parties.

2. On 23.03.2026, the following order was passed:

“Prayer in this petition, filed under Section 528 of BNSS, is for quashing of FIR No.29 dated 10.02.2026 under Sections 331(6), 115(2), 351(2), 191(3) and 190 of BNS (earlier Sections 444, 323, 506, 148, 149 of IPC), Police Station Dakha, District



Ludhiana (Rural) along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2). Notice of motion.

Ms. Gagandeep Kaur, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

Power of attorney on behalf of respondent No.2 has been filed. The same be taken on record.

To verify the claim of the petitioners that the compromise has been entered into voluntarily, and that it is genuine, it shall be appropriate that a report from the learned Jurisdiction Magistrate is obtained. Hence, the parties are directed to appear before the learned Jurisdiction Magistrate (physically or virtually) on 09.04.2026, for getting their statements recorded with regard to the compromise. The learned Jurisdiction Magistrate shall submit a report on or before the next date of hearing to this Court, specifying the followings:-

- 1. Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. Name of the complainant and injured/aggrieved/victims and whether all of them have appeared and made their statements in support of the compromise;*
- 3. Number of accused prosecuted by the police;*
- 4. Stage of trial/proceedings;*
- 5. If the compromise is genuine, voluntary and out of free will of the parties.*

In case, the learned Jurisdiction Magistrate is not available on the given date, or there is a holiday, on the given date, the statement would be recorded by the Duty Magistrate. Accordingly, report of the concerned Court be awaited for 30.04.2026.

To be shown in the urgent list.”



3. Pursuant to the aforesaid order, report dated 28.04.2026 from Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Ludhiana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) As per statement of ASI Baljit Singh, in the present case there are five accused persons in the present case namely Nitin Kumar @ Nitin Verma Abhay Bansal, Simranjeet Singh, Bikramjit Singh @ Vicky and Ravinder Singh @Billa. All the accused persons appeared and made their statements. Further, as per statement of ASI Baljit Singh, none of the accused declared proclaimed offender/person and no such proceedings against them have been initiated or pending adjudication.

(ii) As per statement of ASI Baljit Singh, in the present case there is only complainant namely Hardeep Singh Tatla @ Noni in the present case and he appeared in the Court and recorded his statement in support of the compromise.

(iii) As per statement of ASI Baljit Singh, all the five accused persons namely Nitin Kumar @ Nitin Verma, Abhay Bansal, Simranjeet Singh, Bikramjit Singh @ Vicky and Ravinder Singh @ Billa were prosecuted by the Police.

(iv) Challan is yet to be presented in the present FIR.

(v) Considering the statements of the complainant as well as of accused persons, the compromise seems to be genuine and voluntary in nature and without any coercion or undue influence.”

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.29 dated 10.02.2026 under Sections 331(6), 115(2), 351(2), 191(3) & 190 of BNS, registered at Police Station Dakha, Ludhiana (Rural) and all consequential proceedings arising therefrom on the basis of compromise dated 06.03.2026 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

30.04.2026
jatin

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