



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

258

CRM-M-22595-2025

HANS RAJ AND OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

Date of decision: 11.05.2026

Date of Uploading: 11.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Buta Singh, Advocate for the petitioners.

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

Mr. Maneet Kaushik, Advocate for respondents No.4 and 5.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.41 dated 10.02.2022 under Sections 420 and 406 of IPC, registered at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise dated 10.04.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 24.02.2026, the following order was passed:

“Petitioners, who are accused in case bearing FIR No.41 dated 10.02.2022 under Sections 420,406 IPC registered at P.S Sadar Dhuri, District Sangrur, have prayed for quashing of FIR and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.04.2025 (Annexure P-2). Learned counsel for the petitioner submits that criminal proceedings were registered under some mistaken impression. On account of efforts made by the Mediator, dispute has been



amicably resolved between the parties. Therefore, if proceedings arising from the aforesaid FIR, and all the consequential proceedings arising therefrom, are quashed, all the parties and their family members will be able to live their lives peacefully.

Notice of motion.

On asking of the Court, Mr. Gautam Thapar, Sr. DAG Punjab who is present in the Court, accepts notice on behalf of respondent No.1-State.

Mr. Abhinav Kansal, Advocate has filed power of attorney on behalf of respondent Nos.4 & 5, which is taken on record. He endorses the factum of compromise.

Concerned parties are directed to appear before the learned Trial Court/Illaqa Magistrate on or before 01.04.2026, for getting their respective statements recorded with regard to the compromise. Thereupon, the concerned Court shall submit a detailed report, containing the information on the following points, along with copies of the statements to this Court, well before the adjourned date:-

Sr. No.	Information required
1.	Total number of persons found involved as accused in the dispute/FIR
2.	Number of complainant/victim(s)
3.	Whether all the accused and complainant/victim(s) are party to the compromise and signed the same
4.	Statement of the Investigating Officer of the case.
5.	In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof; or
6.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication
7.	Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence.
8.	Whether petitioner/s is involved in any other case.
9.	Any other aspect relevant to the present case.

Report be awaited for 11.05.2026.

Reply by the respondent-State, if any, be filed on or before the next date of hearing, with copy in advance to the opposite counsel.”



3. Pursuant to the aforesaid order, report dated 30.03.2026 from Judicial Magistrate Ist Class, Dhuri has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“It is pertinent to mention here that in the statement of the complainant Makhan Dass given to the police, although the name of petitioner No. 4, Narinder Kaur was also mentioned, however, the FIR in question has not been registered against her, neither said Narinder Kaur has been subsequently, nominated as an accused in the present case.

(ii) As per record and the statement of the Investigating Officer of the case, in the above mentioned FIR, there is one complainant namely Makhan Dass. Apart from the said complainant, one Harpreet Kaur is also an affected/aggrieved party in the case. Apart from said Makhan Dass and Harpreet Kaur, there is no other complainant/aggrieved party to the present case.

(iii) As per the statements of petitioners No. 1 to 4 and respondents No. 4 and 5, a compromise in regard to the case in hand has been duly effected between all of them. However, the written Panchayati compromise/affidavit produced on record as Ex. CX, has only been signed/executed by the complainant/respondent No. 4, Makhan Dass.

(iv) In pursuance of the directions passed by the Hon'ble High Court, the Investigating Officer of the case has appeared before the Court and his statement has been got recorded.

(v) No affected person (accused or complainant) has been left out in the quashing petition in question, filed before the Hon'ble High Court.

(vi) As per record and the statement of the Investigating Officer of the case, no proclamation proceedings have been initiated against the accused named above, in this case or in any other case.

(vii) From the statements of the parties recorded before this Court, it appears that the compromise between them is genuine & voluntary, the same is not the result of any fraud or misrepresentation and has been arrived at between the parties without any coercion, undue influence or pressure.

(viii) As per the statement of the Investigating Officer of the case, except for the case in hand, no other criminal case is pending against the petitioners/accused involved in the case in hand.

(ix) In the case in question, after completion of investigation, challan has been presented in the Court by the police against accused Hans Raj and Usha Rani. Arrest of accused Navneet Singh has not been effected yet in the present case.”



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.41 dated 10.02.2022 under Sections 420 and 406 of IPC, registered at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise dated 10.04.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

11.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No