



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

238

CRM-M-25323-2025

MADAN LAL

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 27.03.2026

Date of Uploading: 27.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Rana, Advocate for the petitioner.

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

Mr. N.S. Chahal, 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 Complaint No. COMI/76/2017 dated 17.11.2017 under Sections 307, 308, 506, 148, 149 of IPC and after committed Sessions case No. SC/5/2025 and all consequential proceedings arising therefrom on the basis of compromise dated 06.11.2024 (Annexure P-5), which is stated to have been effected between the parties.

2 On 01.07.2025, the following order was passed:

"1. Present petition has been filed by the petitioner, for quashing of the complaint No.COMI/76/2017 and already committed sessions case No.SC/5/2025, alongwith all consequential proceedings arising thereto, on the basis of compromise dated 06.11.2024 (Annexure P-5).

2. Counsel for the petitioner submits that in regard to the same incident, respondent No.2 Vikram Singh has got registered an FIR No.0006 dated 08.02.2017 (Annexure P-1), and after investigation, cancellation report was submitted. It is in the separately filed complaint by respondent No.2, that petitioner was summoned as accused, and thereafter, being it a case



triable by the Court of Sessions, same was committed to the Court of Sessions, where charges are yet to be framed.

3. It is further submitted that the parties have already entered into a compromise by amicably resolving all their disputes. Counsel argues that both the sides are residents of the same village and peaceful settlement of the matter is likely to foster harmony within the community and to allow future generations to live together in peace with mutual respect. Thus, in view of the compromise, petitioner prays for quashing of the complaint and all consequential proceedings arising therefrom, as the dispute stands mutually resolved between the parties.

3. Notice of motion.

4. On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

5. Mr. Nishan Singh Chahal, Advocate, appears on behalf of respondent No.2 and admits execution of the compromise (Annexure P-5).

6. The affected parties are directed to appear before learned Trial Court/Illaq Magistrate where the proceedings are already pending on or before 17.07.2025, or on any other date convenient to the Court, 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, on or before the adjourned date:-

Sr. No.	Information required
I.	Total number of persons found involved as accused in the dispute/FIR
II.	Number of complainant/victim(s).
III.	Whether all the accused and complainant / victims are party to compromise & signed the same.
IV.	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 His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person
V.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication
VI.	Report of the Court whether compromise is genuin voluntary, and without any coercion or undue influence
VII.	Any other aspect relevant to the present case.

7. To come up on 12.08.2025, awaiting report.

8. Reply by the respondent-State, if any, be filed on or before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 11.08.2025 from Additional Sessions Judge, SAS Nagar, Mohali, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-



“1. Total number of persons found involved as accused in the dispute/FIR.

In the present case, initially, FIR no.6 dated 08.02.2017 under Sections 308, 506, 148 read with 149 of IPC Police Station Banur was registered on the statement of complainant Vikram Singh against accused Madan Lal, Rahul, Sardool Singh, Rano Devi and Sito Devi. However, as was informed by SHO/Inspector Arshdeep Sharma in his statement dated 17.07.2025, during the course of investigation the allegations were found to be false and consequently, a cancellation report had been prepared. However, till date it had not been filed in the Court. Thereafter, complainant Vikram Singh had filed a complaint case, essentially, under Section 200 of CrPC, against accused Madan Lal, Rahul, Sardool Singh, Rano and Sito Devi. However, a detailed summoning order was passed on 07.09.2024 by the Court of Sh. Sangam Kaushal, learned JMJC, SAS Nagar, through which only accused Madan Lal had been summoned to face trial under Section 307, 308 and 506 of IPC and the case was accordingly committed for trial to the Court of Sessions through order dated 13.12.2024. Therefore, as of now, there is only one accused, Madan Lal who is facing trial.

2. Number of complainant/victim

There is only one complainant, he being also the victim, Vikram Singh. even the SHO, Inspector Arshdeep Sharma, had attested for this fact in his statement recorded on 17.07.2025.

3. Whether all the accused and complainant/victims are party to compromise and have signed the same.

No written compromise was produced upon record by the parties. However, detailed statements of the complainant/victim, Vikram Singh, and accused, Madan Lal, were recorded in the Court on 15.07.2025. Thus, it can be concluded that compromise was entered into by all the effected parties.

4. In case, any effected person (accused or complainant) is left out or not arrayed as party in the quashing petition before the High Court, detail where of.

As has been already mentioned under column no. 1, in the complaint case only accused Madan Lal had been summoned to face trial and there is only one victim/complainant, he being Vikram Singh. Statements of both of them have been recorded.

5. Whether any accused has been declared a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication.

From the perusal of the trial record, it surfaces that accused Madan Lal is regularly appearing in the trial and had not been declared a proclaimed offender/person. SHO/Inspector Arshdeep Sharma in his statement dated 17.07.2025 had also clarified that even during the course of investigation, initially



undertaken in the FIR, no accused was ever got declared a proclaimed offender/person.

6. Report of the Court whether compromise is genuine, voluntary and without any coercion or undue influence.

Through their respective statements, the petitioner as well as complainant stated in unison that they had entered into a compromise voluntarily and out of free will and volition. Both the parties were identified by their respective advocates. It was further submitted by the complainant that he had no objection if quashing proceedings were allowed. Therefore, from the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence and that the statements were made without any pressure or coercion.

7. Any other aspect relevant to the present case.

Relevant aspects have been already covered hereinbefore. ”

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-5).

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. Complaint No. COMI/76/2017 dated 17.11.2017 under Sections 307, 308, 506, 148, 149 of IPC and after committed Sessions case No. SC/5/2025 and all consequential proceedings arising therefrom on the basis of compromise dated 06.11.2024 (Annexure P-5), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

27.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No