2026:PHHC:037895

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

318
CRM-M-46607-2025

RANJIT KAUR AND OTHERS

....**PETITIONERS**

V/s

STATE OF PUNJAB AND ANOTHER

....**RESPONDENTS**

Date of decision: 11.03.2026
Date of Uploading: 11.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Bhupinder S. Bhangu, Advocate for the petitioners.

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

Ms. Gagandeep Kaur, Advocate for respondent No.2.

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SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of the cross case registered vide G.D. No.36 dated 28.07.2024 registered on 28.07.2024 under Section 115(2), 118(1), 351(1)(3), 3(5) and 238 of BNS Act Police Station Sadar Dhuri, District Sangrur, in FIR No.127 dated 01.08.2024 under Sections 115(2), 117(2), 118(1), 351(1)(3), 190, 191(3), 238 of BNS Act, registered at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3), which is stated to have been effected between the parties.

2. On 28.08.2025, the following order was passed:

"The prayer in the present petition under Section 528 BNSS, 2023 is for quashing of cross-case vide G.D. No.36 dated

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2026.03.11 18:47
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28.07.2024 registered under Sections 115(2), 118(1), 351(1)(3) 3(5) and 238 of BNS, 2023 at Police Station Sadar Dhuri, District Sangrur in FIR No.127 dated 01.08.2024 under Sections 115(2), 117(2), 118(1), 351(1)(3), 190, 191(3), 238 BNS at Police Station Sadar Dhuri, Disttrict Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab who is present in Court accepts notice on behalf of respondent No.1-State.

Ms. Gagandeep Kaur, Advocate accepts notice on behalf of respondent No.2 and has filed her Vakalatnama. The same is taken on record. She does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 03.12.2025.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement upto 13.10.2025 with regard to the compromise/settlement (P-3) by moving an appropriate application or by presenting this order.

The Trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated format:-

1. Number of persons arrayed 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 victim/complainant as well as accused are party to the compromise in question.

The petitioners shall deposit a cost of Rs.15,000/- (collectively) with the Spinal Rehab Centre, Chandigarh Plot No. 1, Madhya Marg, Sector 28- A, Chandigarh 0172-4610311 on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate."

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3. Pursuant to the aforesaid order, report dated 22.09.2025 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:-

> *(i) It is humbly submitted that as per record and the statement of the Investigating Officer of the case, on the statement/complaint of one Jarnail Kaur, a case bearing FIR No.127 dated 01.08.2024, under Sections 115(2), 117(2), 118 (1), 351(1) (3), 190, 191(3), 238 of BNS, PS Sadar, Dhuri was registered against the accused Anterpal Singh, Balvir Kaur, Chamkaur Singh, Nirmal Singh, Jagroop Singh, Mandeep Singh and Malkit Singh.*
> *Thereafter, on the statement/complaint of Hardev Kaur, a DDR bearing No. 36 dated 28.07.2024, Under Sections 115(2), 118(1), 351(1)(3), 3(5), 238 of BNS, PS Sadar, Dhuri was registered against the accused Ranjit Kaur, Jarnail Kaur and Amarjit Singh.*
> *There are a total of 03 accused persons arrayed in the above mentioned DDR, the names of which have been given below :-*
> *(a) Ranjit Kaur,*
> *(b) Jarnail Kaur*
> *(c) Amarjit Singh*
> *(ii) As per the statement of the Investigating Officer of the case, none of the accused named above has been declared a proclaimed offender/proclaimed person in this case or in any other case.*
> *(iii) 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 mis-representation and has been arrived at between the parties without any coercion, undue influence or pressure.*
> *(iv) As per the statement of the Investigating Officer of the case, except for the case in hand, none of the persons named above is presently involved in any other FIR.*
> *(v) As per the statement of Investigating Officer, there is only one complainant/victim/aggrieved party, namely Hardev Kaur in the present DDR and she has appeared before this Court and has got recorded her statement regarding the compromise effected between her and accused Ranjit Kaur, Jarnail Kaur and Amarjit Singh.*
> *(vi) As per the statement of Investigating Officer, there is only one complainant/victim/aggrieved party, namely Hardev Kaur in the present DDR. As per the statement of Investigating Officer, there are a total of three accused persons involved in the present case, namely Ranjit Kaur, Jarnail Kaur and Amarjit Singh. As per the statement of Investigating Officer, all the*

JATIN
2026.03.11 18:47
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victim/complainant as well as the accused involved in the case in hand are a party to the compromise in question."

4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that she 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-3).

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

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2026.03.11 18:47
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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.

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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. G.D. No.36 dated 28.07.2024 registered on 28.07.2024 under Section 115(2), 118(1), 351(1)(3), 3(5) and 238 of BNS Act Police Station Sadar Dhuri, District Sangrur, in FIR No.127 dated 01.08.2024 under Sections 115(2), 117(2), 118(1), 351(1)(3), 190, 191(3), 238 of BNS Act, registered at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

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

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