



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

288

CRM-M-49407-2025

SHAM LAL AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

Date of decision: 12.01.2026

Date of Uploading: 12.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioners (Through VC).

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

Mr. Nagesh Paul, Advocate for
Mr. Virender Partap Singh, Advocate for respondents No.2 to 5.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.128 dated 20.07.2025 under Sections 115(2), 118(1), 332(c), 191(3), 190 of BNS, registered at Police Station Sujanpur, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 24.07.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 05.09.2025, the following order was passed:

“The prayer in the present petition under Section 528 BNSS, 2023 is for quashing of an FIR No.128 dated 20.07.2025 (Annexure P-1) registered under Sections 115(2), 118(1), 332(C), 191(3), 190 BNS, 2023 at Police Station Sujanpur, District Pathankot and all other consequential proceedings arising therefrom, on the basis of compromise dated 24.07.2025 (Annexure P-2) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 24.07.2025



(Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. M.S. Toor, A.A.G., Punjab who is present in Court accepts notice on behalf of respondent No.1-State.

Adjourned to 12.01.2026

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement upto 26.11.2025 with regard to the compromise/settlement dated 24.07.2025 (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 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.25,000/- (collectively) with the Punjab State Legal Services Authority, Disaster Relief Fund, Account No.44426937384, IFSC Code: SBIN0014656 SBI, Sector 68, SAS Nagar 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 12.12.2025 from Chief Judicial Magistrate, Pathankot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(1) As per record, four persons namely Sham Lal, Money @ Money Rehan, Shubham @ Gullu and Harpreet Singh @ Sammi Bouncer are arrayed as accused in FIR.

(2) As per record, none of the accused has ever been declared as proclaimed offender in this case.

(3) Compromise entered between the parties appears to be genuine, voluntary and without any coercion or undue influence.

(4) As per record, accused persons are not involved in any other FIR.

(5) The statements of all the complainant and victims/ aggrieved persons namely Abhishek Kumar, Raj Kishan, Neelam Devi and Viney Rehan have been recorded by this Court.

(6) As per statement of ASI Naresh Kumar, four persons namely Abhishek Kumar, Raj Kishan, Neelam Devi and Viney Rehan are complainant/ victims in the FIR and all the victim/ complainant as well as accused are party to the compromise.”

4. Learned counsel for respondent Nos.2 to 5 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.128 dated 20.07.2025 under Sections 115(2), 118(1), 332(c), 191(3), 190 of BNS, registered at Police Station Sujampur, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 24.07.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

12.01.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No