



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-55623-2025

RAKESH KUMAR ALIAS RAKESH KUMAR CHAUHAN

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 22.05.2026

Date of Uploading:22.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vidul Kapoor, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

Mr. Brahmjot Singh Nagar, 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.0213 dated 14.09.2024 under Sections 406 and 420 of IPC, registered at Police Station Balongi, District SAS Nagar (Mohali) and all consequential proceedings arising therefrom on the basis of compromise dated 15.09.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 01.10.2025, the following order was passed:

“1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise deed dated 15.09.2025 (Annexure P-2), effected between the parties.



DETAIL OF CRIMINAL CASE:

FIR No.	Date	Section(s)	Police Station	District
0213	14.09.2024	406 & 420 of IPC	Balongi	SAS Nagar, Mohali

Further, details of petitioner(s)/accused and complainant/victim(s), as per memorandum of parties of present petition, is as under:-

Sr. No.	Name(s)	Status in present petition viz. Petitioner/accused OR Complainant/victim – respondent No.
01	Rakesh Kumar alias Rakesh Kumar Chauhan s/o Shri Phool Singh	Petitioner
02	Renu Sharma w/o Sushil Kumar	Respondent No.2-complainant.

2. Learned counsel for petitioner submits that in the questioned FIR there is total one accused, who has filed the present petition. On the other side, there is one victim/complainant, who has already been impleaded as respondents No.2, in the present petition. He further submits that parties have amicably resolved their dispute through a compromise deed dated 15.09.2025 (Annexures P-2). He further submits that if, proceedings arising from the aforementioned FIR are quashed, both the parties will live their life peacefully.
3. Notice of motion.
4. On asking of the Court, Mr. NeerajMadaan, Senior DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1.
5. Mr. Brahmjot Singh Nahar, Advocate, appears on behalf of respondent No.2 and admits execution of the compromise (Annexures P-2).
6. The affected parties are directed to appear before the learned Trial Court/Illaqa Magistrate, on 28.10.2025 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.
V.	In case, the petition is not found to be filed by all the accused persons in the case, and only some of them have approached the Court seeking quashing of the proceedings on the basis of compromise, whether complainant(s)/victim(s) is/are ready to give specific statement(s) that: “He/she/they has/have compromised the dispute in this case as a whole, i.e. qua all



	the accused in the case, and this very statement shall be good enough, binding upon him/her/them, and no objection could have been raised at a later stage in case remaining accused, who are not party in the present petition but involved in the criminal case directly or indirectly, come forward seeking quashing of FIR and all subsequent proceedings qua them, on the basis of the present statement being made.”
VI.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication
VII.	Stage of the trial/proceedings
VIII.	Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence
IX.	Any other aspect relevant to the present case.

- 7. To come up on 15.12.2025, 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 11.12.2025 from Judicial Magistrate, Ist Class, Kharar, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- “1. Rakesh There is only one person namely Rakesh Kumar Kumar Chauhan arrayed as accused in the present FIR.*
- ii. There is only one complainant/victim in the present case.*
- iii. Accused Rakesh Kumar @ Rakesh Kumar Chauhan and complainant Renu Sharma are party to compromise and signed the same.*
- iv. The accused is neither declared as proclaimed offender nor any such proceedings have been initiated or pending against him.*
- v. The present case is at the stage of investigation.*
- vi. The compromise effected between the parties is genuine, voluntary, out of free will and the same is correct.”*

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-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.0213 dated 14.09.2024 under Sections 406 and 420 of IPC, registered at Police Station Balongi, District SAS Nagar (Mohali) and all consequential proceedings arising therefrom on the basis of compromise dated 15.09.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

22.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No