



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

321

CRM-M-57285-2025

AMIT GAUTAM

....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

Date of decision: 25.02.2026

Date of Uploading: 25.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Ruchi, Sharma, Advocate for the petitioner.

Mr. Birender Bikram Attrey, Addl. A.G., Haryana.

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

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.277 dated 19.08.2016 under Sections 420, 467, 468, 471 of IPC, registered at Police Station Pinjor, District Panchkula, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 23.09.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 01.12.2025, the following order was passed:

“Prayer in this petition, filed under Section 528 of BNSS, is for quashing of FIR No.277 dated 19.08.2016 under Sections 420, 467, 468, and 471 of IPC, Police Station Pinjore, District Panchkula, Haryana (Annexure P-1), along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion.



Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana appears on behalf of respondent-State, and waives service.

Mr. Sahil Kumar, Advocate has put in appearance on behalf of respondent No.2 and filed Power of Attorney. The same be taken on record.

To verify the claim of the petitioner that the compromise has been entered into voluntarily, and that it is genuine, it shall be appropriate that a report from the learned trial Court concerned is obtained. Hence, the parties are directed to appear before the learned trial Court on 15.12.2025, for getting their statements recorded with regard to the compromise. The learned trial Court concerned shall submit a report on or before the next date of hearing to this Court, specifying the followings:-

- 1. Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. Name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. Number of accused prosecuted by the police;*
- 4. Number of victims;*
- 5. Stage of trial/proceedings;*
- 6. If the compromise is genuine, voluntary and out of free will of the parties.*

In case, the learned trial Court is not available or there is a holiday due to some reasons on the given date, the statement would be recorded by the Duty Magistrate.

Accordingly, report of the trial Court concerned/Duty Magistrate be awaited for 15.01.2026.”

3. Pursuant to the aforesaid order, report dated 24.12.2025 from Sub-Divisional Judicial Magistrate, Kalka, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) Number of accused arraigned in the F.I.R. and how many have appeared before it and have made statements and whether any accused is absconding/ P.O. in this case.

As per the statement of police official, the present F.I.R. was filed against only one accused person i.e. Amit Gautam s/o Sh. Jugal Kishor. Accused has appeared before the Court for recording his statement and as per report of police official, accused person has not been declared proclaimed person/offender in this F.I.R. Though, he has other F.I.R.s lodged against him.



(ii) Name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of compromise.

The name of the complainant / victim is Ram Kumar son of Sh. Surjit Singh who is the only one complainant and he has appeared for recording his statement. The said complainant stated being the only victim. I.O. also stated that the said person was the only victim in present F.I.R.

(iii) Number of accused prosecuted by the police.

Only one i.e. Amit Gautam s/o Sh. Jugal Kishor.

(iv) Number of victims.

As per statement of the police official, there is only one complainant-victim i.e. Ram Kumar. The said complainant stated being the only victim.

(v) Stage of Trial/proceedings

Trial is pending at the stage of prosecution evidence.

(vi) If the compromise is genuine, voluntary and out of free will of the parties.

I am satisfied that the compromise between the parties is genuine, voluntary, out of Free Will of parties, and without any coercion or undue influence.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that she 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.277 dated 19.08.2016 under Sections 420, 467, 468, 471 of IPC, registered at Police Station Pinjor, District Panchkula, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 23.09.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

25.02.2026
jatin

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