



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

258

CRM-M-60768-2025

SHEZAD GILL AND ANOTHER

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 16.02.2026

Date of Uploading: 16.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kunwar Rajan, Advocate for the petitioners.

Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab.

Mr. Anirudh Kaushal, Advocat 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.172 dated 06.09.2024 under Sections 115(2), 118(1), 351(2), 3(5) and 238 of BNS, registered at Police Station Khanna City-2, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 24.09.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 31.10.2025, the following order was passed:

“The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.172 dated 06.09.2024 registered at Police Station Khanna City-2, District Ludhiana (Annexure P-1) under Sections 115(2), 118(1), 351(2) and 3(5) of BNS, 2023.

Notice of motion.

Mr. Rahul Jindal, AAG, Punjab accepts notice on behalf of respondent No. 1 State. Ms. Janya Sirohi, Advocate has put in



appearance on behalf of respondent No.2 accepts notice and filed his Power of attorney. The same is taken on record.

Parties including victim/injured, complainant and any other victim may appear before learned trial Court/Area Magistrate concerned on the date fixed before the Trial Court or any other date convenient to said Court and get their statements recorded with regard to compromise, subject to the payment of cost of Rs.10,000/- to be deposited with Punjab State Legal Services Authority Disaster Relief Fund in the following account:- Account No.-44426937384, IFSC Code-SBIN0014656, Bank SBI, Sector-68, SAS Nagar. The Court will send the statements so recorded to this Court before the next date of hearing alongwith its report disclosing:

- i) genuineness and voluntary nature of compromise;*
 - ii) how many persons are nominated in FIR/police report;*
 - iii) how many accused/victims out of total accused/victims have entered into compromise;*
 - iv) if there is partial compromise, what is role of the accused;*
 - v) what is stage of trial & if accused already convicted, whether appeal is pending in Appellate Court; and*
 - (vi) Criminal antecedents:*
- Adjourned to 17.12.2025.”*

3. Pursuant to the aforesaid order, report dated 13.02.2026 from Judicial Magistrate Ist Class, Khanna has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

1.The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused absconding/PO in the case.

There are two accused namely Shez Sandeep Kaur-I, PCS, Judicial Magistrate First Sandeep Court is made their statements None of the accused is absconding/PO in the case.

2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise.

There is only on complainant namely Vicky Kumar and he has appeared before the Court to make his statement before the Court in support of the compromise.

3. The stage of trial/proceedings.

The stage of proceedings is awaiting challan.

4. If the compromise is genuine, voluntary and out of free will of the parties.

Yes,. The compromise is genuine, voluntary and out of their free will.



5. *Whether any other criminal case is pending against the accused?*

Yes, FIR No.171 dated 20.07.2025, under Section 308(4), 125 of BNS and 25 of Arms Act is pending against accused Sateam @ Varun.”

4. Learned counsel for respondent No.2 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.172 dated 06.09.2024 under Sections 115(2), 118(1), 351(2), 3(5) and 238 of BNS, registered at Police Station Khanna City-2, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 24.09.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

16.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No