

CRM-M-61964-2025

2026:PHHC:026776



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-61964-2025

Gurmail Singh alias Gela

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Om Malhan, Advocate for the petitioners.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Inderpal Singh, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No.02 dated 25.01.2015 (Annexure P-1), under Sections 436 and 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Lambran, District Jalandhar City and all subsequent proceedings arising therefrom on the basis of compromise dated 07.10.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 12.11.2025, the following order was passed:

“Petitioner has filed the present petition seeking quashing of FIR No.02 dated 25.01.2015, under Sections 436 & 34 of IPC, registered at Police Station Lambran, District Jalandhar City along with all subsequent proceedings arising therefrom on the basis of compromise deed dated 07.10.2025 (Annexure P-2).

Learned counsel for the petitioner has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, D.A.G., Punjab. accepts notice on behalf of the respondent-State. Mr. Inderpal Singh, Advocate has put in appearance and filed memorandum of appearance on behalf of respondents No.2. He has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 16.01.2026.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 17.12.2025 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 19.12.2025 from the learned Additional Sessions Judge, Jalandhar was received. As per the report, the said Court has recorded as follows:

“I have the honour to submit that vide order dated 12.11.2025 passed by Hon'ble High Court in CRM-M-61964-2025, parties were directed to appear before concerned Trial Court/Illaq Magistrate on 17.12.2025, for recording their statements qua compromise between them and report was sought regarding genuineness of compromise and whether, besides current accused, if there is any other accused involved in this FIR or declared proclaimed offender.

I have the honour to submit that accused Gurmail Singh alias Gela and Complainant Balvir Kaur have appeared before the court today on 17.12.2025 and their statements have been recorded. Report of Ahlmad has also been called as per which Palwinder Singh Pindu and Gian Kaur were other accused in this case but proceedings against them were abated, and now only Gurmail Singh is accused in this case. Contents of statement of parties infer that the compromise between them is genuine and has been effected with their free will, voluntarily and without any extraneous pressure or misrepresentation.”

3.1. Thereafter, since statement of Investigating Officer had not been attached with the aforesaid report, therefore, vide order dated 16.01.2026, the needful was directed to be done. Pursuant thereto, report

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dated 27.01.2026 has also been received appending therewith statement of the Investigating Officer.

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 charge-sheet 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. 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.02 dated 25.01.2015 (Annexure P-1), under Sections 436 and 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Lambran, District Jalandhar City and all consequential proceedings arising therefrom on the basis of compromise dated 07.10.2025 (Annexure P-2), are, hereby, quashed *qua* the petitioner.

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

(SUMEET GOEL)
JUDGE

February 19, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No