



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

321

CRM-M-61647-2025

RAJWANT KAUR AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 25.03.2026

Date of Uploading: 25.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sangeeta Devi, Advocate for
Mr. Shivam Joshi, Advocate for the petitioners.

Mr. Ravneet Singh Lekhi, AAG, Punjab.

Ms. Jigyasa Kharbanda, 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.64 dated 12.05.2022 under Sections 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Jhabal, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 17.09.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 03.11.2025, the following order was passed:

“Prayer in this petition, filed under Section 528 of BNSS, is for quashing of FIR No.64 dated 12.05.2022 under Sections 420, 120B of IPC and Section 13 of Punjab Travel Professionals Act, Police Station Jhabal, District Tarn Taran (Annexure P-1),



along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab appears on behalf of respondent-State, and waives service.

Ms. Jigyasa Kharbanda, 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 petitioners that the compromise has been entered into voluntarily, and that it is genuine, it shall be appropriate that a report from the Investigating Officer of the present case is obtained. Hence, the parties are directed to appear before the Investigating Officer of the present case on 20.11.2025, for getting their statements recorded with regard to the compromise. The Investigating Officer of the present case 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. Stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*

Accordingly, report of the Investigating Officer of the present case be awaited for 10.12.2025.”

3. Pursuant to the aforesaid order, report dated 11.03.2026 from Judicial Magistrate Ist Class, Tarn Taran has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case:-

Having gone through the statements of the parties, this court finds that there are three accused namely Raiwant Kaur, Samson Masih and Manior Masih who are arraigned as accused in the present FIR and all of the accused have appeared before the court for recording their statements with regard to compromise and none of the accused have been declared proclaimed person by any competent Court of law.

(ii) The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise:-



Having gone through the statements of the parties, this court finds that there is one complainant namely Ramanpreet Singh son of Sakattar Singh who is the complainant/victim(s) in the present FIR and he has appeared through his power of attorney holder Sakattar Singh son of Kabal Singh before the court for recording his statement with regard to compromise.

(iii) The stage of the trial/proceedings pending:

Having gone through the statements of the parties, this court finds that the challan has not been presented in this case as yet.

(iv) If, the compromise is genuine, voluntary and out of free will of the parties:

So as to give opinion with regard to genuineness or otherwise of the compromise, the undersigned had recorded statement of complainant namely Ramanpreet Singh son of Sakattar Singh who is the complainant, has appeared through his power of attorney holder Sakattar Singh son of Kabal Singh in the case titled as "Rajwant Kaur & others Versus State of Punjab and another".

In his statement, the power of attorney holder on behalf of complainant had stated that the present FIR was registered at the instance of complainant against the present accused. He further stated that now with the intervention of the respectable persons of the society and other close concerned persons, the complainant with his own sweet will and consent, without there being any pressure or coercion or any undue influence from any quarter has entered into the compromise with the accused persons. He further stated that he has seen the copy of compromise deed as Ex Ct and the same was executed with his free will and consent, fully understanding the consequences of the same. He has placed on record copy of power of attorney on behalf of complainant as Mark A. copy of aadhar card of complainant as Ex.C5 and copy of aadhar card of power of attorney holder of complainant as Ex.C6.

He further stated that he is suffering the present statement with his free will and consent, fully understanding the legal consequences of the same, without there being any pressure, coercion or undue influence from any quarter.

He further stated that the complainant has arrayed the accused namely Rajwant Kaur, Samson Masih and Manjor Masih as accused in the present case. He further stated that he has no objection, if the present accused are acquitted from the present case on the basis of compromise so effected between them. No other case or complaint is pending between them and they are party to this compromise and none of them have been declared proclaimed offender by any competent court of law nor any such proceedings have been initiated or pending against them and the challan in the present FIR has not presented as yet. He is duly identified by his counsel Sh. Vivek Khullar Advocate."



4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that she 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.64 dated 12.05.2022 under Sections 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Jhabal, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 17.09.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

25.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No