



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

CRM-M-68329-2025

BALKAR SINGH AND ANOTHER

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 06.03.2026

Date of Uploading: 06.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Dadwal, Advocate for the petitioners.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

None 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.186 dated 27.12.2024 under Sections 420 of IPC, registered at Police Station Dakha, District Ludhiana (Rural) and all consequential proceedings arising therefrom on the basis of compromise dated 21.03.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 04.12.2025, the following order was passed:

“Prayer in the present petition filed by the petitioner(s) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR bearing No.186 dated 27.12.2024, under Section(s) 420 of the Indian Penal Code, 1860, registered at Police Station Dakha, District Ludhiana (Rural), along with all the



subsequent proceedings arising therefrom on the basis of compromise dated 21.03.2025 (Annexure P-2).

Counsel for the petitioners undertakes that original compromise will be placed on record on or before the next date of hearing.

Notice of motion.

Ms. Savi Nagpal, AAG, Punjab, accepts notice on behalf of respondent No.1/State. Learned counsel for the petitioner(s) undertakes to inform respondent No.2.

Subject to deposit of Rs.15,000/- by each of the petitioner(s) with DHFWS SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492, IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula, the parties are directed to appear before the trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise on 17.12.2025 or on any other date convenient to the Court.

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 next date of hearing: -

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 and 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; OR His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person;

V. Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication;

VI. Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence;

VII. Any other aspect relevant to the present case.

List on 06.03.2026 for awaiting report.



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 24.12.2025 from Judicial Magistrate Ist Class, Ludhiana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

Sr. No. Information provided as per the instructions:-

1. As per the statement of the IO ASI Surinder Singh No. 40/Ldh. (R), there are two accused persons involved in the present FIR namely Balkar Singh and Kamalpreet Singh Sidhu.
2. As per the statement of the IO ASI Surinder Singh No. 40/Ldh. (R), there is only one complainant/victim in the present FIR namely Jasvir @ Jasveer Kaur.
3. As per the statement of the IO ASI Surinder Singh No. 40/Ldh. (R), there are only two accused persons arrayed in the present FIR and only one complainant in the present FIR and both the accused and complainant are party to the compromise and signed the same.
4. As per the statement of the IO ASI Surinder Singh No. 40/Ldh. (R), there are only two accused persons arrayed in the present FIR and only one complainant in the present FIR and except them no any affected party is left out or not arrayed as party in the quashing petition nor his/her statement is still to be recorded in compliance of direction of the Hon'ble Punjab and Haryana High Court.
5. As per the statement of the 10, no accused person has been declared as proclaimed offender/person nor any such proceedings against them have been initiated or pending adjudication.
6. As per the statement of the parties, the compromise between the parties is genuine, voluntary and without any coercion or undue influence.
7. It is pertinent to mention over here that in the memo of parties, the name of father of accused Kamalpreet Singh Sidhu was mentioned as Balkaran Singh. However, as per Aadhar Card of the accused, the name of father of accused Kamalpreet Singh Sidhu was mentioned as Balkar Singh. Further, the accused persons in their statements recorded to the effect that they will get the name corrected by moving appropriate application before the Hon'ble Punjab and Haryana High Court.
It is further pertinent to mention over here that the statement of petitioner/accused no. 2 Kamalpreet Singh Sidhu is recorded through his special power of attorney namely Balkar Singh i.e. petitioner/accused no. 1.

4. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

5. I have heard learned Counsel for the parties and have carefully gone through the records of the case.



6. 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.

7. 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.*

8. Consequently, the petition is allowed. FIR No.186 dated 27.12.2024 under Sections 420 of IPC, registered at Police Station Dakha, District Ludhiana

(Rural) and all consequential proceedings arising therefrom on the basis of compromise dated 21.03.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

06.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No