



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

312

CRM-M-64865-2025

SURINDER SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

Date of decision: 28.01.2026

Date of Uploading: 28.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prince Sharma, Advocate for the petitioners.

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

Mr. Ajay Kumar, Advocate for respondents No.2 to 5.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.145 dated 10.06.2025 under Sections 115(2), 118(1), 191(3)/190 of BNS, 2023 (Later on added offence under Section 117(2) of BNS, 2023 and Sections 323/324/148/149/325 of IPC) registered at Police Station City Tarn Taran, Tehsil & District Tarn Taran, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 16.10.2025 (Annexure P-3), which is stated to have been effected between the parties.

2. On 17.11.2025, the following order was passed:

“This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.145 dated 10.06.2025, registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 115(2), 118(1), 191(3), 190



of BNS, 2023 (later on added offences under Sections 117(2) of BNS) (in IPC 323, 324, 148, 149 and 325 IPC) and all subsequent proceedings arising therefrom on the basis of the compromise.

Notice of motion.

On the asking of the Court, Mr. Rahul K. Adia, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Ajay Kumar, Advocate appears on behalf of respondents No.2 to 5 and admit that the compromise has been effected between the parties.

In view of the submissions made on behalf of the parties, they are directed to appear before the Illaqa Magistrate for recording their statements qua the compromise within a period of 15 days.

The trial Court/Illaqa Magistrate is directed to record the statements of the parties and submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 28.01.2026.”

3. Pursuant to the aforesaid order, report dated 23.01.2026 from Chief Judicial Magistrate, Tarn Taran (Punjab) has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) There is 5 complainant (including State of Punjab) in FIR. All the victiri/complainants are party to the compromise. That there are total four accused party to compromise.

(ii) None of the accused has been declared as Proclaimed absconder.

iii) There is no investigation pending against any of the accused nor any accused has been declared as innocent.”

4. Learned counsel for respondent Nos.2 to 5 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-3).

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.145 dated 10.06.2025 under Sections 115(2), 118(1), 191(3)/190 of BNS, 2023 (Later on added offence under Section 117(2) of BNS, 2023 and Sections 323/324/148/149/325 of IPC) registered at Police Station City Tarn Taran, Tehsil & District Tarn Taran, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 16.10.2025 (Annexure P-3), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

28.01.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No