



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

294

CRM-M-68042-2025

SHYAM LAL SUNDER AND OTHERS

....PETITIONERS

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

Date of decision: 04.02.2026

Date of Uploading: 04.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Rana, Advocate for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Lovepreet Singh, 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.706 dated 20.12.2023 under Sections 147, 149, 323, 325, 506 of IPC, registered at Police Station Model Town Rewari, District Rewari 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 05.12.2025, the following order was passed:

“The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.706 dated 20.12.2023, under Sections 147, 149, 323, 325, 506 of IPC, registered at Police Station Model Town Rewari, District Rewari.

Notice of motion.

Mr. Ramesh Kumar Ambavta, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Lovepreet Singh, Advocate



has put in appearance on behalf of respondent Nos.2 to 5 accepts notice and filed his Memorandum of Appearance. The same is taken on record. He is directed to file power of attorney on the next date of hearing.

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 Aashiana (Children's Home)/SAA, Sector-15, Chandigarh. 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 04.02.2026."*

3. Pursuant to the aforesaid order, report dated 15.01.2026 from Judicial Magistrate Ist Class, Rewari has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. The compromise between the parties is found to be genuine or valid and has been effected without any coercion, undue influence and compulsion.

2. Accused persons namely Shyam Sunder, Raj Kumar, Akash Kumar, Manish and other 4-5 unknown persons were arrayed in the FIR, however, accused persons namely Shyam Sunder, Raj Kumar and Akash Kumar were arrayed in the police report/challan.

3. There are four victims/aggrieved persons namely Munni Lal Saini, Lalit Saini, Ramkishan and Hukam Chand who have entered into the compromise with accused persons namely Shyam Sunder Raj Kumar and Akash Kumar.

4. There is no partial compromise in the present matter as only three accused persons were arrayed in the police report/challan.

5. The present case is at the stage prosecution evidence and neither accused persons has been convicted in any case.

6. Neither accused person has any criminal antecedents."



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-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.706 dated 20.12.2023 under Sections 147, 149, 323, 325, 506 of IPC, registered at Police Station Model Town Rewari, District Rewari 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

04.02.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No