



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

253

CRM-M-71663-2025

SHUBHAM MONGA AND ANOTHER

...PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

Date of decision: 27.03.2026

Date of Uploading: 27.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Kumar Kachura, Advocate for the petitioners.

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

Mr. Sazid Khan, Advocate and

Mr. Waqar Khurshid, Advocate for

Mr. Kulwinder Singh, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.49 dated 27.03.2018 under Sections 377, 328 of IPC, registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 06.10.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 11.02.2026, the following order was passed:

“The petitioners are seeking quashing of FIR No.49 dated 27.03.2018, registered under Sections 377 and 328 of the IPC, at Police Station Guruharsahai, District Ferozepur, along with all the consequential proceedings arising therefrom on the basis of a compromise.



Notice of motion.

On the asking of the Court, Ms. Ruchika Sabherwal, learned Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. At this stage, Mr. Kulwinder Singh, Advocate has appeared and filed his memo of appearance on behalf of respondents No.2 and 3. The same is taken on record. Learned counsel submits that he would file his power of attorney before the Registry and also states that he has no objection if the petition is allowed. The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 25.02.2026 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. 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 persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 25.03.2026. The trial Court shall ensure that the complainant(s)/victim(s) is/are duly identified by the local counsel while recording his/her/their statement(s). Simultaneously photographs of the complainant(s)/victim(s) be also affixed on his/her/their statement(s) by the trial Court.”

3. Pursuant to the aforesaid order, report dated 13.03.2026 from Sub Divisional Judicial Magistrate, Guruharsahai has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. There are two number of accused/petitioners and both are made party to the compromise and made statement. No accused is absconding/proclaimed person in this case.

2. Name of complainant is Rakesh Kumar and his son namely Romeo is aggrieved person and both of them have appeared and made their respective statement in support of the



compromise.

3. The stage of trial/proceedings is awaiting challan.

4. As per statement of the parties, the compromise has been arrived at without any kind of coercion or undue influence and same is genuine and voluntary and out of free will of the parties.

5. As per statement of ASI Rakesh Kumar No.922/FZR, no other criminal case is pending against the accused persons. The petitioners/accused, complainant as well as victim have been duly identified by their respective local counsels while recording their statement. Simultaneously, the photographs of the complainant as well as victim, as directed, has been affixed on their respective statement.”

4. Learned counsel for respondent Nos.2 and 3 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. No.49 dated 27.03.2018 under Sections 377, 328 of IPC, registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 06.10.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

27.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No