



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

259

CRM-M-68048-2025

AKASH AND ANOTHER

....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 02.02.2026

Date of Uploading: 02.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Godara, Advocate for the petitioners.

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

Mr. Aneesh Chopra, Advocate 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.162 dated 09.10.2025 under Sections 115(2), 117(2), 3(5) of the BNS, registered at Police Station Mahilpur, District Hoshiarpur, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 24.11.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 03.12.2025, the following order was passed:

“The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.162 dated 09.10.2025 registered at Police Station Mahilpur, District Hoshiarpur, Punjab (Annexure P-1) under Sections 115(2), 117(2) and 3(5) of BNS, 2023.

Notice of motion.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab accepts notice on behalf of respondent No. 1 State. Mr. Aneesh Chopra, Advocate



has put in appearance on behalf of respondent No.2 accepts notice and filed his Power of attorney. The same is taken on record.

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 02.02.2026."*

3. Pursuant to the aforesaid order, report dated 28.01.2026 from Judicial Magistrate Ist Class, Garhshankar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"As per the statement of complainant Lovekash @ Love Kumar Lucky and accused Akash and Chahat recorded by the undersigned, all of them have echoed the version of having arrived at voluntary compromise with free will without any inducement, threat, i pressure or coercion. Complainant Lovekash @ Love Kumar Lucky even made statement that compromise is vonultarily and without any inducement, threat, pressure or coercion and there is no grudge against the accused party and he has no objection if FIR in question is quashed by Hon'ble High Court. The original statements of the parties recorded by the undersigned are being sent herewith.

The accused Akash and Chahat also mentioned in their statements that accused have entered into compromise with the complainant Lovekash @ Love Kumar Lucky without any inducement, threat, pressure or coercion. No other any proceedings are pending against them nor they have been declared as a proclaimed offender till date and the present FIR was registered against them and the same may kindly be quashed against them.

Thereafter, investigating officer ASI Satnam Singh was also summoned by the court, who appeared in the Court on



21.01.2026 and gave a separate statement that there are two above named accused, who are facing the trial and none of the accused are declared proclaimed offender at any stage of trial nor any criminal case are pending against the abovesaid accused persons.

On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties. In the present case challan has not been presented yet.”

4. Learned counsel for respondent No.2 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.162 dated 09.10.2025 under Sections 115(2), 117(2), 3(5) of the BNS, registered at Police Station Mahilpur, District Hoshiarpur, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 24.11.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

02.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No