



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

261

CRM-M-67232-2025

GURPAL SINGH

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 11.05.2026

Date of Uploading: 11.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gursharan Singh, Advocate for the petitioner.

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

Ms. Navjot Kaur, Advocate for respondent No.2.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.130 dated 24.07.2025 under Sections 318(3), 318(4) of BNS, registered at Police Station Ghuman, Police District Batala, and all consequential proceedings arising therefrom on the basis of compromise dated 08.11.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 01.12.2025, the following order was passed:

“Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.130 dated 24.07.2025 under Sections 318(3), 318(4) of BNS, 2023 registered at Police Station Ghuman, Police District Batala, along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.11.2025 (Annexure P-2).



2. Counsel for the petitioners submits that the dispute in the main case i.e. in FIR No.130 dated 24.07.2025 impugned herein, has been resolved amicably and parties have agreed to get the proceedings quashed.

3. Notice of motion.

4. Mr. Saurav Verma, Addl. A.G. Punjab accepts notice on behalf of respondent No.1-State and prays for some time to file the reply/status report, if so advised.

5. Mr. Navaldeep Sihag, Advocate enters appearance and files power of attorney on behalf of respondents No.2 and he does not dispute the fact that the matter has been compromised between the parties. The power of attorney is taken on record. Registry is directed to do the needful.

6. The affected parties are directed to appear before the learned Trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise on or before **17.12.2025** and subject to the petitioners' depositing costs of 25,000/- with **"DHFWS SKS USERFEES CS OFFICE, PKL, Account No. 50100189689492, HDFC0004832, HDFC Bank, Sector-6, Panchkula"**. 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 adjourned date:-

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 & 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.

7. To come up on **12.01.2026**, awaiting report.

8. 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 23.12.2025 from Judicial Magistrate, Ist Class, Batala, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-



“i) There is only one accused namely Gurpal Singh son of Lakhwinder Singh R/o New Abadi Kahnuwan, District Gurdaspur arrayed as accused in the present FIR.

(ii) The present FIR has been filed by one complainant namely Navjot Kaur daughter of Jasraj Singh, R/o village Bhagtupur, Tehsil Batala, District Gurdaspur.

(iii) Yes, accused and complainant are party to compromise and signed the same.

(iv) No person is left out in the quashing petition before Hon'ble High Court.

(v) Accused Gurpal Singh has not declared proclaimed person/offender in the present case.

(vi) The compromise between the parties is genuine, voluntarily and without any coercion or undue influence.

(vii) No other aspects relevant to the present case.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioner is 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.130 dated 24.07.2025 under Sections 318(3), 318(4) of BNS, registered at Police Station Ghuman, Police District Batala, and all consequential proceedings arising therefrom on the basis of compromise dated 08.11.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

11.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No