



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

251

CRM-M-68580-2025

ROHIT KAUSHAL AND ANOTHER

....PETITIONERS

V/s

STATE OF U.T CHANDIGARH AND OTHERS

....RESPONDENTS

Date of decision: 13.03.2026

Date of Uploading: 13.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Diwan S. Adlakha, Advocate for the petitioners.

Mr. Virat Rana, Addl. PP UT, Chandigarh.

Mr. Ajay Chauhan, 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.135 dated 09.11.2025 under Sections 115(2), 126(2), 351(2), 3(5) of BNS, registered at Police Station Maloya, District Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 22.11.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 05.12.2025, the following order was passed:

“Prayer in the present petition is for quashing of FIR bearing No.135 dated 09.11.2025 registered under Sections 115(2), 126(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Maloya, Chandigarh along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.11.2025 (Annexure P-2).

Counsel for the petitioner(s) submits that the dispute in the main case i.e. in FIR bearing No.135 dated 09.11.2025 impugned herein, has been resolved amicably and parties have agreed to get the proceedings quashed.



Notice of motion.

Mr. Virat Rana, Addl. PP UT Chandigarh accepts notice on behalf of respondent No.1 and prays for some time to file the reply/status report.

Mr. Ajay Chauhan, Advocate enters appearance and files power of attorney on behalf of respondents No.2 to 5 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.

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 18.12.2025 subject to deposit of costs of Rs. 10,000/- by each of the petitioner(s) with the DHFWS SKS USERFEES CS OFFICE, PKL, Account No.50100189689492, IFSC Code: 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.

To come up on 13.03.2026, awaiting report.

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 29.01.2026 from Judicial Magistrate Ist Class, Chandigarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1) There are two persons i.e. Rohit Kaushal and Rohit Kaushal (@ Khanda are nominated in FIR/police report.

2) There are four persons i.e. Aditya Kaushal, Rakesh Kumar, Kumar & Dilbag Singh Rajesh complainants/victims. (a Prince are

3) As per record, all the accused and complainant/victims are party to compromise & signed the same.

4) As per record, all the persons (accused or complainant) are arrayed as party in the quashing petition before Hon'ble High Court and their statement have been recorded.

5) As per the statement of IO ASI Baljit Singh, as per their police record, accused persons have not been declared as Proclaimed Offenders/persons or no such proceedings against them have been initiated or pending adjudication.

6) From the statements of complainant Aditya Kaushal. Rakesh Kumar, Rajesh Kumar, Dilbag Singh @ Prince and accused persons namely Rohit Kaushal & Rohit Kaushal @ Khanda, it appears that the compromise



between them is genuine and voluntary, the same is not the result of any fraud and mis- representation and has been arrived at between the parties without any undue influence or pressure.

7) As per the statement of ASI Baljit Singh, as per their police record, any other case is not registered against accused persons namely Rohit Kaushal & Rohit Kaushal @ Khanda.”

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.135 dated 09.11.2025 under Sections 115(2), 126(2), 351(2), 3(5) of BNS, registered at Police Station Maloya, District Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 22.11.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

13.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No