



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

309

CRM-M-68083-2025

KANWALPREET SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 08.04.2026

Date of Uploading: 08.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Deevansh Khanna, Advocate for the petitioner.

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

Mr. Subhash Chand, 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.093 dated 21.09.2024 under Sections 406, 420 of IPC, Section 24 of Immigration Act, 1983, registered at Police Station NRI District, Police Commissionerate Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 03.09.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 04.12.2025, 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.093 dated 21.09.2024 under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 registered at Police Station NRI, District Police Commissionerate, Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.09.2025 (Annexure P-2).



2. Counsel for the petitioner submits that the dispute in the main case i.e. in FIR No.093 dated 21.09.2024 impugned herein, has been resolved amicably and parties have agreed to get the proceedings quashed.

3. Notice of motion.

4. Ms. Savi Nagpal, Asst. 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. Subhash Chand, Advocate enters appearance and files power of attorney on behalf of respondent 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 18.12.2025 and subject to the petitioner depositing costs of Rs. 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 10.03.2026, 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 02.04.2026 from Judicial Magistrate, Ist Class, Amritsar, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-



“i. Total number of persons found involved as accused in the dispute/FIR.

Ans. Except present FIR, the petitioner is not involved in any other case.

ii. Number of complainant/victim(s);

Ans. Only one complainant/victim namely Gurpreet Singh.

iii. Whether all the accused and complainant/victims are party to compromise and signed the same;

Ans. Yes.

iv. In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, details whereof; OR his/her statement is still to be recorded, in compliance to the direction of this court, details of such person;

Ans. No.

V. Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have initiated or pending adjudication'

Ans. No person has been declared as proclaimed person in the present FIR.

vi. Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence;

Ans. Compromise effected between the parties with their own free will, without any coercion or undue influence.

vii. Any other aspect relevant to the present case.

Ans. No.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he 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.093 dated 21.09.2024 under Sections 406, 420 of IPC, Section 24 of Immigration Act, 1983, registered at Police Station NRI District, Police Commissionerate Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 03.09.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

08.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No