



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

261

CRM-M-70206-2025

BIKRAMJIT SINGH AND ANOTHER

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 06.03.2026

Date of Uploading: 06.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Swati Sharma, Advocate for the petitioners.

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

Ms. Manisha Kumari, 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.16 dated 20.09.2025 under Sections 326(B), 329(3), 351(2), 61(2), 62 of BNS, registered at Police Station NRI, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 14.11.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 15.12.2025, the following order was passed:

"The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.16 dated 20.09.2025 registered at Police Station NRI, District Gurdaspur (Annexure P-1) under Sections 326(B), 329(3), 351(2), 61(2) and 62 of BNS, 2023 as well as all subsequent proceedings arising therefrom.

Notice of motion.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State while Ms. Pratula Sethi, Advocate has put in appearance on behalf of respondent No.2 accepts notice and filed her

memorandum of appearance, which is taken on record and further undertakes to file power of attorney before the next date of hearing.
At this stage, learned counsel for respondent No.2 submits that respondent No.2 is residing abroad and his statement with respect to the compromise be recorded through video conferencing.
In view of the above, respondent No.2 is directed to get his statement recorded qua the factum of compromise through Video Conferencing/virtual mode from a designated place. At the time of recording of the statement by way of Video Conferencing/virtual mode, respondent No.2 shall be duly identified by his counsel.
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 11.02.2026.”

3. Pursuant to the aforesaid order, report dated 26.02.2026 from Chief Judicial Magistrate, Gurdaspur has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

Sr.	Information	Remarks
1.	Genuineness and voluntary nature of compromise.	As per the statement of parties, the compromise is genuine, voluntary and without any coercion or undue influence.
2.	How many persons are nominated in FIR/Police report	As per the statement of IO ASI Dara Singh, No.1411/Gsp, only two accused i.e. petitioners are nominated in FIR/police report.
3.	How many accused/victims out of total accused/victims have entered into compromise.	All the accused i.e. petitioners have entered into compromise.
4.	If there is partial compromise, what is role the accused.	Compromise is complete as per the statement of the parties.
5.	What is stage of trial & if accused already convicted, whether appeal is pending in Appellate Court.	As per the report of Ahlmad, the trial is pending in the Court of undersigned for purpose of consideration on charge.
6.	Criminal antecedents.	As per the statement of IO ASI Dara

		<i>Singh, No.1411/Gsp, accused persons have no criminal antecedents.</i>
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4. Learned counsel for respondent No.2 admits the fact of parties having compromised and states that she 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/affidavit (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.16 dated 20.09.2025 under Sections 326(B), 329(3), 351(2), 61(2), 62 of BNS, registered at Police Station NRI, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 14.11.2025 (Annexure P-2),, are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

06.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No