



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

325

CRM-M-71118-2025

SURJIT SINGH ALIAS SURJIT DAUDHAR

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 25.02.2026

Date of Uploading: 25.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Amandeep Kaur, Advocate for the petitioner.

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

Mr. Avneet Singh, 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.11 dated 27.01.2024 under Sections 295-A of IPC, registered at Police Station Division No.3, Ludhiana, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 01.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 15.01.2026, the following order was passed:

*“Prayer in this petition, filed under Section 528 of BNSS, is for quashing of FIR No.11 dated 27.01.2024, under Section 295-A Indian Penal Code, 1860, Police Station Division No.3, Ludhiana, (Annexure P-1), alongwith all the subsequent proceedings arising therefrom, on the basis of compromise dated 01.12.2025 (Annexure P-2).
Notice of motion.*



Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

Mr. Avneet Singh, Advocate puts in appearance on behalf of respondent No.2 and files Power of Attorney. The same be taken on record.

To verify the claim of the petitioner that the compromise has been entered into voluntarily, and that it is genuine, it shall be appropriate that a report from the learned Area Magistrate concerned is obtained.

Hence, the parties are directed to appear before the Court of learned Area Magistrate on 04.02.2026, for getting their statements recorded with regard to compromise. The learned Area Magistrate concerned shall submit a report on or before the next date of hearing to this Court, specifying the followings:-

- 1. Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. Name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. Number of accused prosecuted by the police;*
- 4. Stage of trial/proceedings;*
- 5. If the compromise is genuine, voluntary and out of free will of the parties.*

In case, the learned Area Magistrate is not available or there is a holiday due to some reasons on the given date, the statement would be recorded by the Duty Magistrate.

Accordingly, report of learned Area Magistrate concerned/Duty Magistrate be awaited for 20.02.2026.”

3. Pursuant to the aforesaid order, report dated 18.02.2026 from Judicial Magistrate, Ist Class, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case?

Ans: As per statement of Investigating Officer ASI Paramjit Singh, there is only one accused namely Surjit Singh @ Surjit Daudhar in the present case and he got recording his statement. As per statement of Investigating Officer, accused has not been declared Proclaimed Officer in the present case.

2. Name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?

Ans As per statement of Investigating Officer ASI Paramjit Singh, there is



only one complainant and injured/aggrieved namely Rajeev Tandon in the present case and he got recorded his statement in support of the compromise.

3. Number of accused prosecuted by the police;

Ans: As per statement of Investigating Officer, there is only one accused prosecuted by the police.

4. Stage of trial/proceeding;

Ans: The proceedings of the present case is at the stage of investigation.

5. If the compromise is genuine, voluntary and out of free will of the parties?

Ans: From the statements of the complainant/inured as well as accused, this court is of opinion that the compromise entered between the parties i.e. complainant Rajeev Tandon and accused namely Surjit Singh @ Surjit Daudhar is genuine, voluntarily and out of free Will. ”

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.11 dated 27.01.2024 under Sections 295-A of IPC, registered at Police Station Division No.3, Ludhiana, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 01.12.2025 (Annexure P-2), are, hereby, quashed.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

25.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No