



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

333

CRM-M-71919-2025

SARABJIT SINGH AND OTHERS

....PETITIONERS

V/s

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

Date of decision: 18.03.2026

Date of Uploading: 18.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dheeraj Mahajan, Advocate for the petitioners.

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

Ms. Meenakshi, Advocate for respondent No.2 to 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.68 dated 15.04.2025 under Sections 115(2), 118(1), 190, 191(3) of BNS (offence under Section 75(3) of BNS added later on), registered at Police Station Dinanagar, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 19.11.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 19.12.2025, the following order was passed:

“The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.68 dated 15.04.2025 registered at Police Station Dinanagar, District Gurdaspur (Annexure P- 1) under Sections 115(2), 118(1), 190, 191(3) of BNS, 2023(offence under Section 75(3) of BNS added later on)



Notice of motion.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab accepts notice on behalf of respondent No. 1 State. Ms. Khushboo Mahajan, Advocate has put in appearance on behalf of respondents No. 2 to 4 accepts notice and filed his Memo of Appearance. The same is taken on record. She undertakes to file Power of Attorney on the next date of hearing. 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 18.02.2026.”

3. Pursuant to the aforesaid order, report dated 12.03.2026 from Judicial Magistrate Ist Class, Gurdaspur has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1) As per the statement of the parties recorded in the Court, the compromise, so arrived at between the parties, is genuine, voluntarily and out of free will.

(2) Total five persons i.e. Sarabjit Singh son of Salwinder Singh, Sukhwinder Singh son of Gurpreet Singh, Manvinrder Singh son of Gurpreet Singh residents village Mahi Chakk, PO Farida Nagar, District Pathankot, Sandep Kumar son of Joginder Pal & Gurwinder Singh son of Balwinder Singh, both residents of Farida Nagar, District Pathankot have been nominated in FIR/police report.

(2) The complainant Hitesh Kumar son of Rajnish Kumar resident of village Gharota Kalan, District Pathankot, victims Ashish Vig son of Rajnish Kumar resident of village Gharota Kalan, District Pathankot & Aditi daughter of Rishi resident of 338/20 Tibbri Road, Mohallan Shankar Nagar, District Gurdaspur and all the accused persons named above have entered into compromise.



(4) The compromise is complete.

(5) Challan is yet to be presented in the present FIR.

(6) As per statement of IO, six other criminal case (three cases under IPC, two cases under Excise Act & one case against Gambling Act) have been registered against the accused Sarabjit Singh, till date. Further another case under NDPS Act has been registered against Sukhwinder Singh son of Gurpreet Singh, till date."

4. Learned counsel for respondent Nos.2 to 4 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 (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.68 dated 15.04.2025 under Sections 115(2), 118(1), 190, 191(3) of BNS (offence under Section 75(3) of BNS added later on), registered at Police Station Dinanagar, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 19.11.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

18.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No