



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

170

CRM-M-72142-2025

RAJWINDER SINGH GILL AND ANOTHER

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 24.02.2026

Date of Uploading: 24.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naresh Prabhakar, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Rajdeep Chugh, Advocate for respondent No.2
(through VC).

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.384 dated 14.09.2010 under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Division No.5 Civil Line, Ludhiana, District Police Ludhiana City and subsequent proceedings including the appeals No.245 and 257 pending in the Court of Mr. Manav, Addl. Sessions Judge, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 15.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 14.01.2026, the following order was passed:

“Prayer in this petition filed under Section 528 of BNSS is for quashing of FIR No.384 dated 14.09.2010, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, Police Station Division



No.5 Civil Line, Ludhiana (Annexure P-1), along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 15.12.2025 (Annexure P-2).

Notice of motion.

Mr. Eklavya Darshi, DAG, Punjab, accepts notice on behalf of respondent No.1/State and waives service.

Mr. Rajdeep Chugh, Advocate puts in appearance on behalf of respondent No.2.

To verify the claim of the petitioners that the compromise has been entered into voluntarily and genuine, it shall be appropriate that a report from the trial Court of the present case is obtained. Hence, parties are directed to appear before the trial Court on 31.01.2026 for recording of their statements, and the Trial Court is directed to submit a report 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/victims 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.*

Accordingly, report of the trial Court of the present case be awaited for 23.02.2026.”

3. Pursuant to the aforesaid order, report dated 12.02.2026 from Additional District & Sessions Judge, Ludhiana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

- “1. Two persons namely Rajwinder Singh Gill and Mohinder Singh have been arraigned in the FIR. Both have appeared in the court and made statements regarding compromise. As per record, no accused is absconding/P.O. in the case.*
- 2. Jasjit Singh Gill is the complainant/aggrieved/victim, who has appeared through his attorney Preet Mohan Singh and made his statement in support of the compromise.*
- 3. Two accused Rajwinder Singh Gill and Mohinder Singh have been prosecuted by the police.*
- 4. Both accused Rajwinder Singh Gill and Mohinder Singh have filed separate criminal appeals against their conviction and the appeals are currently pending for final arguments.*
- 5. From the statements of the parties, this court is of the opinion that compromise is genuine, voluntary and out of free will of the parties.”*



4. Learned counsel for respondent No.2 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.384 dated 14.09.2010 under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Division No.5 Civil Line, Ludhiana, District Police Ludhiana City and subsequent proceedings including the appeals No.245 and 257 pending in the Court of Mr. Manav, Addl. Sessions Judge, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 15.12.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

24.02.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No