



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

249

CRM-M-1529-2026

NISHAN SINGH AND ANR

...PETITIONERS

V/s

STATE OF PUNJAB AND ORS.

...RESPONDENTS

Date of decision: 06.04.2026

Date of Uploading: 06.04.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikas Gupta, Advocate for the petitioners.

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

Mr. Amandeep Singh, Advocate for respondent Nos.2 to 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.105 dated 22.07.2025 under Sections 308(4) & Sections 351(1), 351(3), 61(2) (added lateron) of BNS, 2023 and Sections 25, 27 of Arms Act, registered at Police Station City Patti, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 06.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 11.03.2026, the following order was passed:

“This is a petition under Section 528 of BNSS, 2023 for quashing of FIR No.105 dated 22.07.2025 under Sections 308(4) & 351(1), 351(3), 61(2) (added later) of BNS and Section 25, 27 Arms Act, registered at Police Station City Patti, District Tarn Taran with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).



Notice of motion.

On the asking of the Court, Mr. H.S.Wadhwa, DAG Punjab accepts notice on behalf of respondent No.1-State.

Mr. Amandeep Singh, Advocate has put in appearance on behalf of respondents No.2 to 4 and has filed power of attorney, which is taken on record. He admits the factum of compromise entered into between the parties.

List on 06.04.2026.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?*
- (v) Whether the compromise is complete or partial?"*

3. Pursuant to the aforesaid order, report dated 23.03.2026 from Sub Divisional Judicial Magistrate, Patti has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) Total two accused namely Nishan Singh and Sukhmeet Singh mentioned above are arrayed as accused in the FIR.

(ii) The accused are not declared as proclaimed offender.

(iii) The compromise is genuine, voluntary and without any coercion or undue influence.

(iv) The accused Nishan Singh is not involved in any other FIR, but one another FIR No.115 dated 27.06.2025 under Section 308(4), 351(1),351(3) and Section 25,27 Arms Act PS Bhikhiwind District Tarn Taran has been registered against accused Sukhmeet Singh and in the said FIR on the basis of compromise petition bearing No. CRM- M14539-2026 has been filed before the Hon'ble Punjab and Haryana High Court as stated by accused Nishan Singh.

(v) As per the statements of complainant Rajbir Kaur, Rajwant Kaur and Paramjit Kaur, the compromise is complete as they have compromised the matter with the accused Nishan Singh as well as his son Sukhmeet Singh and no other person has been arrayed as accused in the present FIR.”



4. Learned counsel for respondent Nos.2 to 4 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.105 dated 22.07.2025 under Sections 308(4) & Sections 351(1), 351(3), 61(2) (added lateron) of BNS, 2023 and Sections 25, 27 of Arms Act, registered at Police Station City Patti, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 06.12.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

06.04.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No