



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

185

CRM-M-1533-2026

KULDEEP SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Date of decision: 16.03.2026

Date of Uploading: 16.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Surinder Gandhi, Advocate for the petitioners.

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

Mr. Amit Bansal, 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.0209 dated 14.11.2025 under Sections 115(2), 117(2), 351(2) and 3(5) of BNS, registered at Police Station Shrihargobindpur Police District Batala and all consequential proceedings arising therefrom on the basis of compromise dated 17.12.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 15.01.2026, the following order was passed:

"This petition has been filed for quashing of FIR No.0209, dated 14.11.2025, registered under Sections 115(2), 117(2), 351(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023, at Police Station Shrihargobindpur Police District Batala along with all consequential proceedings arising therefrom, on the basis of compromise dated 17.12.2025 (Annexure P-2), arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner/s has/have not been declared as proclaimed person(s).

Notice of motion.



Ms. Ruchika Sabherwal, learned Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Amit Bansal Advocate accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 05.02.2026 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 05.03.2026. The trial Court shall ensure that the complainant(s)/victim(s) is/are duly identified by the local counsel while recording his/her/their statement(s). Simultaneously photographs of the complainant(s)/victim(s) be also affixed on his/her/their statement(s) by the trial Court."

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

"1. As per the FIR, FIVE persons namely Kuldeep Singh, Jagpreet Singh, Kashmir Singh, Jaswinder Kaur and Ranjit Singh @ Rana have been arraigned in the present case. Also, as per the statement suffered by the complainant/respondent no. 2 Manpreet Singh, the case was got registered against accused Kuldeep Singh, Jagpreet Singh, Kashmir Singh @ Nikka, Jaswinder Kaur and Ranjit Singh @ Rana. He further stated that there was no other accused in the present case. Even, Investigating Officer ASI Rashpal Singh Belt No. 3026/BTL has stated that there was no other accused in the present case.

All the above named accused had appeared before the court and have made statements with regard to the compromise.

As per the statement of Investigating Officer ASI Rashpal Singh Belt No. 3026/BTL, neither any of the accused has been declared proclaimed offender nor any accused is absconding.

2. The name of the complainant is Manpreet Singh son of Mulok Singh. As per the statement of the complainant/respondent no. 2, apart from him, there was no other injured/aggrieved. The complainant Manpreet Singh had appeared in the court and suffered a statement in support of the compromise.

3. As per the statement of Investigating Officer ASI Rashpal Singh Belt No. 3026/BTL, investigation in the present case has been completed and



challan has been prepared but the same is yet to be presented before the court.

4. From the statements suffered by the parties, it appears that the compromise effected between the parties is genuine, voluntary and out of free will of the parties.

5. As per the statement of the Investigating Officer ASI Rashpal Singh Belt No. 3026/BTL, no other criminal case is pending against the accused.”

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.0209 dated 14.11.2025 under Sections 115(2), 117(2), 351(2) and 3(5) of BNS, registered at Police Station Shrihargobindpur Police District Batala and all consequential proceedings arising therefrom on the basis of compromise dated 17.12.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

16.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No