



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

277

CRM-M-46517-2024

Date of decision: 23.09.2025

SAHIB SINGH @ SABI AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amrit Paul Nahar, Advocate for
Mr. Munish Puri, Advocate for the petitioners.

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

Mr. Harsh Thakur, Advocate for
Ms. Deepti Rampal, 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.60 dated 20.05.2024 under Sections 341, 323, 427, 506, 148, 149 of IPC, registered at Police Station Shahpurkandi, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 06.06.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 18.09.2025, the following order was passed:

“The prayer in the present petition filed under Section 528 BNSS is for quashing of FIR No.60 dated 20.05.2024 under Sections 341, 323, 427, 506, 148, 149 of IPC registered at Police Station Shahpurkandi, District Pathankot along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Manjot Kaur, AAG, Punjab appears and accepts notice on behalf of respondent No.1-State.



A copy of the paper book be supplied to her during the course of the day.

Ms. Deepti Rampal, Advocate has appeared on behalf of respondent No.2 and filed her power of attorney in the Court today. The same is taken on record. She affirms the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to trial Court/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether challan is presented in the Court? If so, against how many accused;*
- (iii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iv) status/stage of the trial/case;*
- (v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.*

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 17.12.2024.

The petitioners shall deposit costs of Rs.15,000/- with the concerned District Legal Services Authority on or before the date of recording of their statements and produce copy of receipt before the Trial Court/Duty Magistrate.”

3. Pursuant to the aforesaid order, report dated 23.09.2025 from Judicial Magistrate Ist Class, Pathankot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1.As per statement of parties and Investigating Officer, there are total nine accused in this FIR.

2. As per statement of Investigating Officer, chalian has not been presented in the court.

3. As per statement of parties and Investigating Officer, none of the accused has been declared proclaimed offender at any stage.

4. Case is pending at the stage of investigation.”



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.60 dated 20.05.2024 under Sections 341, 323, 427, 506, 148, 149 of IPC, registered at Police Station Shahpurkandi, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 06.06.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

23.09.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No