



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

297

CRM-M-57454-2024

Date of decision: 22.07.2025

SUKHBIR AND ORS

...PETITIONERS

V/s

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sanchit Punia, Advocate for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Ms. Jasleen Kaur, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C./Section 528 of BNSS, 2023 for quashing of FIR No.254 dated 14.09.2023 under Sections 380 and 506 of IPC, 1860, registered at Police Station Uchana District Jind, Final Report dated 19.06.2024 (Annexure P-2) under Sections 380, 406, 420, 506 and 34 of IPC, 1860 and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 28.10.2024 (Annexure P-3), which is stated to have been effected between the parties.

2. On 20.11.2024, the following order was passed:

“This petition has been filed for quashing of FIR No.254 dated 14.09.2023 under Sections 380 & 506 IPC registered at Police Station Uchana, District Jind and final report dated 19.06.2024 under Sections 380, 406, 420, 506 & 34 IPC along with all consequential proceedings arising therefrom, on the basis of compromise dated 28.10.2024 (Annexure P3) arrived at between the parties.

Notice of motion.



Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of respondent No.1-State and Ms. Jasleen Kaur, Advocate, accepts notice on behalf of respondent No.2 and has filed her vakalatnama. The same is taken on record. She has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaqa/Duty Magistrate on 25.11.2024 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. The trial Court/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 person, 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 the 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 the trial Court/Illaqa/Duty Magistrate be awaited for 23.01.2025.”

3. Pursuant to the aforesaid order, report dated 25.11.2024 from Sub-Divisional Judicial Magistrate, Narwana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. The FIR was registered against 4 persons namely Sukhbir, Kapil Kukreja, Joginder son of Mange Ram and Monu son of Joginder. Out of them two accused namely Sukhbir and Kapil Kukreja have appeared before me and have made statements.

As stated by I.O no accused in this case is absconding/proclaimed person however Joginder and Monu are yet to be arrested. 2. Name of complainant is Joginder son of Sadhu Ram. He is the only victim in this case. He appeared and has given statement in support of compromise.

3. The case is fixed for framing of charges against accused Sukhbir and Kapil Kukreja as challan, so far has been filed only against them.

4. Yes the compromise is genuine, voluntary and out of free will of the parties. It is important to note that though challan has been filed only against accused Sukhbir and Kapil but complainant has entered into compromise with all the accused named in FIR.

5. No other criminal case is pending against any of the accused named in FIR.”



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-3).

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.254 dated 14.09.2023 under Sections 380 and 506 of IPC, 1860, registered at Police Station Uchana District Jind, Final Report dated 19.06.2024 (Annexure P-2) under Sections 380, 406, 420, 506 and 34 of IPC, 1860 and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 28.10.2024 (Annexure P-3), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

July 22, 2025
jatn

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No