



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

275

CRM-M-22021-2025

Date of decision : 27.08.2025

Rupinderpal Singh

....Petitioner

V/S

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gautam Dutt, Advocate with
Mr. Rahul Bhargava and Ms. Radhika Mehta,
Advocates for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

Ms. Alisha Sharda, Advocate with
Mr. Saurav Bajaj, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. By invoking Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner has prayed for quashing of FIR No.223 dated 07.10.2024 registered under Section 64 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Mataur, District SAS Nagar (Annexure P-1) on the basis of affidavit filed by respondent No.2 and her family members (Annexure P-7) placed before this Court in CRM-M-6894-2025.

2. Vide order dated 28.04.2025, while issuing notice of motion, learned counsel for the petitioner had made the following contentions :- :-

“Learned Senior counsel for the petitioner, inter alia, submits that the instant FIR is an abuse of process of law as the prosecutrix, who is none other than the care-taker of the old and medically ill mother of the petitioner,



*ran away from the petitioner's house after committing theft and stealing valuable items. The present FIR has been lodged with an intention to divert attention from the criminal act committed by the prosecutrix/victim. The petitioner had also filed a complaint on 03.10.2024 with the local police authorities regarding missing of the prosecutrix when she had left the old aged mother of the petitioner and later on it has been discovered that she had stolen the jewellery articles. The prosecutrix intentionally filed the present FIR based on a false statement under anger and influence, as a counteraction to inquiries about the theft of Rs.50,000/- and other valuable jewellery from the house of the petitioner. He further submits that the victim has now filed an affidavit before this Court in CRM-M-6894-2025, wherein it has been stated that she was never touched or sexually assaulted or raped by the petitioner and wants to withdraw all her previous statements and requested not to initiate any further action on her complaint against the petitioner. To the similar effects are the affidavits filed by her mother and brother. Learned Senior counsel has also referred to para 9 of the status report filed by the State of Punjab in CRM-M-6894-2025, wherein it has been stated that on 21.10.2024, the prosecutrix appeared before the investigating officer and submitted an affidavit alleging that she had got registered the present FIR against the petitioner in anger whereas the petitioner did not commit any illegal act against her, thereby requesting not to take any further action in the FIR. He further submits that the FIR may be quashed at an initial stage before commencement of trial. In support of his contention, he has placed reliance upon the judgment passed by Hon'ble Supreme Court in **Kapil Gupta Vs. State of NCT of Delhi and another : 2022(4) RCR (Criminal) 497.**"*



3. Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

4. During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity of the compromise by this Court.

5. In compliance thereof, report dated 01.08.2025 from learned Additional Chief Judicial Magistrate, S.A.S. Nagar has been received through learned District and Sessions Judge, S.A.S. Nagar, along with the statements of the parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

6. In case of ***Narinder Singh and others Vs. State of Punjab and another***, 2014(2) RCR (Criminal) 482, the Hon'ble Supreme Court in para 26 has observed as under :-

“26. The two rival parties have amicably settled the disputes between themselves and buried the hatchet. Not only this, they say that since they are neighbours, they want to live like good neighbours and that was the reason for restoring friendly ties. In such a scenario, should the court give its imprimatur to such a settlement. The answer depends on various incidental aspects which need serious discourse. The Legislators has categorically recognized that those offences which are covered by the provisions of section 320 of the Code are concededly those not only do not fall within the category of heinous crime but also which are personal between the parties. Therefore, this provision recognizes whereas there is a compromise between the parties the Court is to act at the said compromise and quash the proceedings. However, even in respect of such



offences not covered within the four corners of Section 320 of the Code, High Court is given power under Section 482 of the Code to accept the compromise between the parties and quash the proceedings. The guiding factor is as to whether the ends of justice would justify such exercise of power, both the ultimate consequences may be acquittal or dismissal of indictment. This is so recognized in various judgments taken note of above.

7. The same view has been reiterated by the Apex Court in ***Ramgopal and another Vs. State of Madhya Pradesh : 2021 SCC Online SC 834.***

8. The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and Hon'ble Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102***, observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in cases of involving non-compoundable offence.

9. In ***Kapil Gupta Vs. State of NCT of Delhi and another : 2022(4) RCR (Criminal) 497***, while quashing the FIR registered under Section 376 of IPC on the basis of compromise, the Hon'ble Supreme Court has observed as under :-

“xx xx xx xx xx

13. *It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence*



which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

14. *The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.*

15. *The facts and circumstances as stated hereinabove are peculiar in the present case. Respondent No.2 is a young lady of 23 years. She feels that going through trial in one case, where she is a complainant and in the other case, wherein she is the accused would rob the prime of her youth. She feels that if she is made to face the trial rather than getting any relief, she would be faced with agony of undergoing the trial.*

16. *In both the cases, though the charge sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since the respondent No.2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.*

17. *In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings,*



CRM-M-22021-2025

6

in the peculiar facts and circumstances of the present case and in order to give succour to Respondent No.2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.”

10. Having regard to the contentions of learned counsel for the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 528 of BNSS has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. So far as the stage of proceedings is concerned, the instant FIR is only at the investigation stage. Hence, it would be in the interest of justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are *ad idem* that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

11. In view of above, the instant petition is allowed. Consequently, the impugned FIR No.223 dated 07.10.2024 registered under Section 64 of BNS at Police Station Mataur, District SAS Nagar (Annexure P-1) and all other subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioner only.

27.08.2025

*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No