



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

267

CRM-M-44527-2025

Date of decision: 13.10.2025

KALA SINGH ALIAS KALI AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Piyush Sharma, Advocate for the petitioners.

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

Mr. Rajiv Pasricha, Advocate for respondent No.2.

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**SUMEET GOEL, J.**

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.178 dated 13.12.2024, under Section 304, 117(2), 115(2), 3(5) of BNS, 2023, registered at Police Station City Jalalabad, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise deed dated 13.06.2025 (Annexure P-2), which is stated to have been effected between the parties.

2. On 18.08.2025, the following order was passed:

*“By way of this petition filed under Section 528 BNSS, 2023, petitioners are seeking quashing of FIR No.178 dated 13.12.2024, under Section 304, 117(2), 115(2), 3(5) of BNS, 2023, registered at Police Station City Jalalabad, District Fazilka and all the subsequent proceedings arising therefrom qua the petitioners on the basis of the amicable settlement arrived at between the parties vide compromise deed dated 13.06.2025 (Annexure P-2).*

*Notice of motion.*

*Mr. Mohit Kapoor, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1- State. Mr. Armaan Gagneja, Advocate has*



*filed power of attorney and accepted notice on behalf of respondent No.2 and admitted the factum of the compromise. In view of the above, the private parties are directed to appear before learned Trial Court/Area Magistrate for making the statements regarding the compromise on 02.09.2025, the date already fixed or any other date which may be fixed by the Trial Court/Area Magistrate. Learned Trial Court/Area Magistrate shall report to this Court regarding the genuineness of the compromise; number of accused involved; the fact that all the aggrieved parties are party to the compromise, that no accused is absconding/P.O. Statement of Investigating Officer shall also be recorded by the Trial Court/Area Magistrate to the effect that no other accused or aggrieved person is involved. Adjourned to 13.10.2025.”*

3. Pursuant to the aforesaid order, report dated 03.10.2025 from Sub Divisional Judicial Magistrate, Jalalabad has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“Whether the compromise is genuine, voluntary and out of free will of the parties.*

*From the statements of the parties, the compromise effected between the parties appears to be genuine and result of free will of the parties without any kind of pressure, fraud and misrepresentation;*

*Number of accused involved.*

*There are five accused namely Kala Singh @ Kali son of Balwinder Singh; Paramjeet Kaur @ Shimla Rani wife of Balwinder Singh; Amrik Singh son of Balwinder Singh; Balwinder Singh son of Krishan Singh and Pooja Rani daughter of Balwinder Singh, who has appeared in the present case and suffered statements regarding compromise in the present FIR.*

*The Fact that all the aggrieved parties are party to the compromise.*

*In the present FIR, Nanak Singh son of Jaggar Singh @ Ujjagar Singh son of Surain Singh, resident of village Basti Chak Sukar, Tehsil Jalalabad District Fazilka, is the only complainant/aggrieved, who has suffered statement regarding compromise before this Court.*

*None of the accused is absconding/PO in this case.*

*accused-petitioner has been declared Proclaimed No Offender/absconding in the present FIR.*

*Statement of investigating officer as to no other accused or aggrieved person is involved.*

*As per the statement of investigating officer, no other accused or aggrieved person is involved.”*



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.178 dated 13.12.2024, under Section 304, 117(2), 115(2), 3(5) of BNS, 2023, registered at Police Station City Jalalabad, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise deed dated 13.06.2025 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

**(SUMEET GOEL)**  
**JUDGE**

**13.10.2025**

*jatir*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No