

(2026) 08 P&H CK 0450
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-51504-2025

Gurjant Singh

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure, 1973 — Section 482, 320
Indian Penal Code, 1860 — Section 420, 465, 467, 471, 307

Citation : (2026) 08 P&H CK 0450

Hon'ble Judges : Sumeet Goel, J.

Bench : Single Bench

Advocate : Mr. Vikasdeep Singh, Advocate for the petitioner (through VC). Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab. Mr. Bhavesh Aggarwal, Advocate for respondents No.2 and 3.

Final Decision : Petition allowed; FIR and consequential proceedings quashed on the basis of compromise

Judgement

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.314 dated 27.11.2018 under Sections 420, 465, 467, 471 of IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 21.02.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 15.09.2025, the following order was passed:

"1. Petitioner has filed the present petition under Section 528 of BNSS for quashing of FIR No. 314 dated 27.11.2018, under Sections 420, 465, 467, 471 IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 21.01.2025(Annexures P- 2), effected between the parties.

2. On oral request of learned counsel for the petitioner, Kamalpreet Kaur (daughter in law of complainant and wife of Buta Singh) is impleaded as party/respondent No.3. Let amended memo of parties be filed in the Registry within two days from today, without moving any separate application.

3. Learned counsel for petitioner submits that in the questioned FIR there is one accused, who has filed the present petition. On the other side, there are two victim/complainant, who have already been impleaded as respondents No.2 and 3, in the present petition. He further submits that parties have amicably resolved their dispute through a compromise dated 21.02.2025 (Annexures P-2). He further submits that if, proceedings arising from the aforementioned FIR are quashed, both the parties will live their life peacefully.

4. Notice of motion.

5. On asking of the Court, Mr. Neeraj Madaan, SR. DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1/State.

6. Mr. Amandeep Singh, Advocate, appears on behalf of respondents No. 2 and 3 (Avtar Singh and Kamalpreet Kaur) and admits execution of the compromise (Annexures P-2).

7. The affected parties are directed to appear on 08.10.2025, before the learned Trial Court/Illaq Magistrate, or any other date convenient to the said Court, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:-

i. Total number of persons arrayed as accused in the case;

ii. Whether all the accused and complainant / victims are party to compromise;

iii. Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;

iv. Stage of the trial/proceedings; and

v. Whether the compromise is genuine, voluntary, and without any coercion or undue influence.

8. To come up on 18.11.2025, awaiting report.

9. Reply by the respondent-State, if any, be filed on or before the next date of hearing."

2.1 On 05.05.2026, the following order was passed:

"Learned counsel for the private rival parties seeks, and are permitted, yet another opportunity to have their statements recorded on 08.05.2026, in terms of the earlier order dated 15.09.2025.

Put up on 26.05.2026, along with the report of the concerned trial Court."

2.2 On 14.07.2026, the following order was passed:

"The rival private parties, including respondent No. 3, are permitted to have their statements recorded in terms of the earlier order dated 15.09.2025 passed by this Court on 17.07.2026.

Liberty is reserved in favour of the rival private parties to appear before the concerned Court through video conferencing (VC).

Put up on 06.08.2026, along with the report.

Photocopy of this order be placed on the file of other connected matter."

3. Pursuant to the aforesaid order, report dated 23.07.2026 from Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

FIR No.	Dated	Police Station	Sections
314	27.11.2018	Sultanpur Lodhi, Kapurthala	Under Sections 420, 465, 467 and 471

1	Total number of persons arrayed as accused in the case;	As per statement of ASI Subeg Singh there is one accused namely Gurjant Singh arrayed as accused in the case.
2.	Whether all the accused and complainant/victim are party to compromise;	As per statement of ASI Subeg Singh there is one accused namely Gurjant Singh and one complainant namely Avtar Singh. It is pertinent to mention here that one victim namely Kamalpreet Kaur daughter in law of complainant impleaded as respondent no.3. All are party to the compromise.
3.	Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;	As per statement of ASI Subeg Singh earlier accused Gurjant Singh has been declared proclaimed offender vide order dated 27.10.2022 and now he has joined the proceedings as per order dated 28.04.2025 and 16.03.2026 passed by Hon'ble High Court in CRM-M-22120-2025.
4.	Stage of trial/proceedings;	As per record accused has joined the proceedings as per order dated 28.04.2025 and 16.03.2026 passed by Hon'ble High Court in CRM-M- 22120-2025 on 23.03.2026 and challan in the present case has already been presented in the Court.
5.	If the compromise is genuine, voluntary and out of free will of the parties?	From the statements of the parties it transpires that the compromise is genuine, voluntary and out of free will of the parties.

4. Learned counsel for respondent Nos.2 and 3 admits the fact that the parties have compromised the matter 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.314 dated 27.11.2018 under Sections 420, 465, 467, 471 of IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 21.02.2025 (Annexure P-2), are, hereby, quashed.

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