



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

312

CRM-M-3389-2026

RAKESH KUMAR

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

Date of decision: 13.05.2026

Date of Uploading:13.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. H.S. Bhogal, Advocate for the petitioner.

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

Mr. M.S. Sidhu, Advocate for respondent No.2.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.208 dated 09.12.1999 under Sections 279, 337, 338, 427 of IPC, registered at Police Station Mohali, District Ropar and all consequential proceedings arising therefrom on the basis of compromise dated 19.08.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 23.02.2026, the following order was passed:

“The petitioner has approached this Court seeking quashing of FIR and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 27.2.2026 or any date thereafter as



fixed by trial Court/Illaqa Magistrate for recording statements of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion. The trial Court/Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition?

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 23.3.2026.”

3. Pursuant to the aforesaid order, report dated 08.05.2026 from Judicial Magistrate, Ist Class, SAS Nagar, Mohali, has been received, which



is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. In reference to subject cited above, I have the honour to submit that vide order dated 09.04.2026, in terms of the earlier order dated 23.02.2026 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh, the parties have been directed to appear before the Trial Court/Illaq Magistrate for getting there statements recorded with regard to the compromise.

2. In pursuance of above said order, statement of complainant Gaurav Sharma s/o Krishan Dev Sharma Resident of H.No. 278, Ambedkar Awas Yojna, Sector-56, Palsora, Chandigarh has been recorded on 21.04.2026, wherein, he has stated that he is complainant in the present FIR No. 208 dated 09.12.1999 registered under Section 279, 337, 338, 427 of IPC at P.S. Mohali. He has compromised the matter with accused Rakesh Kumar with the intervention of respectables of the society. He has placed on record the photocopy of the compromise dated 19.08.2025 which is Ex. CX (Original of the same is placed on record before the Hon'ble Punjab and Haryana High Court). He has no objection if the present FIR is quashed against accused Rakesh Kumar by the Hon'ble High Court of Punjab and Haryana, Chandigarh. He has stated that he has given his statement without any pressure, coercion or any undue influence. He has placed on record the self attested photocopy of his Aadhar card for his identification as Ex.C1.

3. Similarly, statement of accused Rakesh Kumar aged about 52 years s/o Sh. Swaran Chand, R/o village Jajja Khurd, Jalandhar (Pb.) has been recorded on 21.04.2026, wherein, he has stated that the FIR has been registered against him on the statement of complainant Gaurav Sharma s/o Krishan Dev Sharma. He has compromised the matter with complainant namely Gaurav Sharma s/o Krishan Dev Sharma Resident of H.No. 278, Ambedkar Awas Yojna, Sector-56, Palsora, Chandigarh with the intervention of respectables of the society. In pursuance of the said compromise, quashing petition has been filed by him vide CRM- M-3389 of 2026. He has seen the photocopy of the compromise deed dated 19.08.2025 Ex.CX which is true and correct as per the copy of the original. He has heard the statement of Gaurav Sharma complainant in which he has stated that he has no objection for quashing of present FIR against him by the Hon'ble High Court of Punjab and Haryana at Chandigarh. He has stated that he has given his statement without any pressure, coercion or any undue influence. He has stated that he shall remain bound by the terms and conditions of the compromise. He has placed on record self attested



photocopy of his Aadhar card for his identification and same is Ex.C2.

4. Further, notice has been sent to SHO, PS Phase 1, Mobati to depute some official for giving statement qua the record of present case as the FIR pertain to the year 1999. The statement of ASI Jaswant Singh, No. 271/SAS Nagar, presently posted at Phase-1, Mohali has been recorded on 07.05.2026, wherein, he has stated that he is not Investigating Officer of the present case, but he knows the facts of the same. He has stated that the FIR has been registered against accused Rakesh Kumar on the complaint of complainant Gaurav Sharma. No other accused has been arrayed yet in present case. No proclamation proceedings are pending against accused Rakesh Kumar. There is one complainant namely Gaurav Sharma.

5. From the statements, recorded above, it appears that compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner is 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.208 dated 09.12.1999 under Sections 279, 337, 338, 427 of IPC, registered at Police Station Mohali, District Ropar and all consequential proceedings arising therefrom on the basis of compromise dated 19.08.2025 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

13.05.2026

jatin

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No