



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

253

CRM-M-4793-2026

DARSHAN SINGH @ KALA AND OTHERS**....PETITIONERS**

V/s

STATE OF HARYANA AND OTHERS**....RESPONDENTS****Date of decision: 20.03.2026****Date of Uploading: 20.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

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

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Akshit Mehta, Advocate for respondent Nos. 2 to 4.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.44 dated 07.04.2020 under Sections 452, 323, 148, 147, 506 of IPC and Section 3 of SC and ST Act (Prevention of Atrocities Act, 1989) (Sections 325 & 201 of IPC added later on and Section 452 of IPC was deleted) registered at Police Station Jakhal, District Fatehabad, and all consequential proceedings including proclaimed person order dated 19.04.2025 against petitioner No.5, arising therefrom on the basis of compromise dated 26.07.2025 (Annexure P-5), which is stated to have been effected between the parties.

2. On 29.01.2026, the following order was passed:



“Present petition has been filed praying for quashing of FIR No.44, dated 07.04.2020, under Sections 452, 323, 148, 147, 506 IPC and Section 3 of SC & ST Act (Prevention of Atrocities) Act, 1989 (Sections 325 & 201 IPC added later on and Section 452 IPC was deleted), registered at Police Station Jakhal, District Fatehabad along with all consequential proceedings arising therefrom, including the order dated 19.04.2025 whereby petitioner No.5 was declared proclaimed person, on the basis of compromise dated 26.07.2026 (Annexure P-5) and affidavit of complainant in support of the compromise.

Learned counsel appearing on behalf of the petitioners has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed. He has further submitted that petitioner No.5 has been declared as proclaimed person vide order dated 19.04.2025, and as such, interim protection be granted to him to enable him for recording of his statement.

Notice of motion.

On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1- State. At this stage, Mr. Akshit Mehta, Advocate has appeared and filed his memorandum of appearance on behalf of respondents No.2 to 4 today in the Court, which is taken in record. He has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 11.02.2026 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court. As the compromise has already been effected between the parties including petitioner No.5, namely, Ramesh Kumar @ Maishi, who has already been declared as proclaimed person vide order dated 19.04.2025, the impugned order dated 19.04.2025 is hereby set aside, subject to payment of costs of Rs.10,000/- to be paid by the petitioner to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh within a period of 07 days from the receipt of copy of this order. Petitioner No.5 is directed to file appropriate application along with the receipt of deposit of



above-said costs, then the trial Court will admit him to bail subject to its satisfaction as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

Needless to say that in case petitioner No.5, namely, Ramesh Kumar @ Maishi fails to comply with the abovesaid direction within the stipulated period, he would not allow to record his statement in support of the compromise arrived at between the parties.

Adjourned to 20.03.2026.

The State to file status report before the next date of hearing."

3. Pursuant to the aforesaid order, report dated 17.02.2026 from Additional Sessions Judge, Fatehabad has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"I have the honour to submit that vide order dated 29.01.2026 in CRM-M No.4793 of 2026 (O&M) titled "Darshan Singh @Kala and others Vs. State of Haryana & others" passed by Hon'ble Punjab & Haryana High Court, Chandigarh, the court of undersigned was directed to record statements of the parties with regard to compromise/settlement and to report as to genuineness of the compromise. Accordingly, statements of complainant namely Nachhatar Singh, Sunita and Sharwan Singh and accused persons namely Darshan Singh @ Kala, Bikar Singh @ Baru, Gursewak Singh @Kala, Saravjeet Singh and Ramesh Kumar has been recorded. In their joint statement, complainant party stated that they have entered into a compromise with the accused persons namely Darshan Singh @ Kala, Bikar Singh @ Baru, Gursewak Singh @ Kala, Saravjeet Singh and Ramesh Kumar in FIR No.44 dated 07.04.2020 under Sections 147, 148, 201, 323, 506, 325 of IPC and Section 3(I) (ii) of SC&ST Act (Prevention of Atrocities) Act, 1989, P.S Jakhal, District Fatehabad out of their free consent, will and without any threat or pressure from any quarter whatsoever and this compromise is genuine one. Complainant further stated that they have no objection in case the above named accused persons are acquitted and the present FIR is quashed.

Joint statement of accused persons namely Darshan Singh @Kala, Bikar Singh @ Baru, Gursewak Singh @ Kala, Saravjeet Singh and Ramesh Kumar was also recorded, wherein they stated that they have entered into a compromise with the complainant/injured namely Nachhatar Singh, Sunita and Sharwan Singh in FIR No.44 dated 07.04.2020 under Sections 147, 148, 201, 323, 506, 325 of IPC and Section 3(I) (ii) of SC&ST Act (Prevention of Atrocities) Act, 1989, P.S



Jakhal, District Fatehabad. They further stated that the compromise has been effected with complainant party out of their free consent, will and without any threat or pressure from any quarter whatsoever and this compromise is genuine one.

Investigating Officer DSP Umed Singh, now posted as DSP, Tohana has also made separate statement that the present FIR No.44 dated 07.04.2020 under Sections 147, 148, 201, 323, 506, 325 of IPC and Section 3(I)(ii) of SC&ST Act (Prevention of Atrocities) Act, 1989, P.S Jakhal, District Fatehabad, was registered against Darshan Singh @ Kala, Bikar Singh @ Baru, Gursewak Singh @ Kala, Saravjeet Singh and Ramesh Kumar @ Maishi, all residents of village Chandpur, District Fatehabad. In the present case, complaint was given by complainant Nachhatar Singh, Sunita and Sharwan Singh were injured in the present case. That no accused person was declared proclaimed offender/person in this case. That no other case is registered against accused persons Darshan Singh @ Kala, Bikar Singh @ Baru, Gursewak Singh @ Kala, Saravjeet Singh and Ramesh Kumar @ Maishi, except this case.

Statements of the parties appears to be genuine and the Court is satisfied that there is no pressure or coercion in any manner. The compromise is voluntarily one.”

4. Learned counsel for respondent Nos.2 to 4 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-5).

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.44 dated 07.04.2020 under Sections 452, 323, 148, 147, 506 of IPC and Section 3 of SC and ST Act (Prevention of Atrocities Act, 1989) (Sections 325 & 201 of IPC added later on and Section 452 of IPC was deleted) registered at Police Station Jakhal, District Fatehabad, and all consequential proceedings including proclaimed person order



dated 19.04.2025 against petitioner No.5, arising therefrom on the basis of
compromise dated 26.07.2025 (Annexure P-5), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

20.03.2026

jatin

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No