



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

362

CRM-M-5843-2026

VIJAY KUMAR

....PETITIONER

V/s

STATE OF HARYANA AND OTHERS

....RESPONDENTS

Date of decision: 24.03.2026

Date of Uploading: 24.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Saleem Ahmed, Advocate for respondent Nos.2 and 3.

SUMEET GOEL, J. ORAL

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.485 dated 20.08.2025 under Sections 316(2), 318(4) of BNS and Section 24 of the Emigration Act, registered at Police Station Indri, District Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2026 (Annexure P-2), which is stated to have been effected between the parties.

2 On 02.02.2026, the following order was passed:

“Petitioner has filed the present petition seeking quashing of FIR No.485 dated 20.08.2025, under Sections 316(2), 318(4) of BNS, 2023 and Section 24 of Emigration Act, 1983 registered at Police Station Indri, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2026 (Annexure P-2). Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that,



subsequent to the registration of the FIR, the parties have amicably resolved their dispute. He further submits that the petitioner is presently in custody and the parties have already entered into a compromise and as such the present FIR is liable to be quashed.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of the respondent-State.

Mr. Saurabh Sharma, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed power of attorney, which is taken on record. He has affirmed the same. He has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 24.03.2026.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 16.02.2026 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.

In the meanwhile, petitioner(s) be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

3. Pursuant to the aforesaid order, report dated 27.02.2026 from Sub Division Judicial Magistrate, Indri, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. It is humbly submitted in compliance of order dated 02.02.2026 passed by Hon'ble High Court in CRM-M-5843-2026, parties appeared before Court for getting recorded their statement regarding compromise.

2. Petitioner Vijay Kumar, son of Ganga Vishnu, resident of House no. 426, Pooja Kali, Pehowa 136128, P.S. Pehowa, District Kurukshetra (Haryana) stated that in FIR no. 485, dated 20.08.2025, under Sections 24 of Immigration Act, 316(2) and 318(4) of BNS, 2023, Police Station Indri (Karnal), which



was lodged against him by complainant. Compromise is effected with Rajni and Rinku with free consent, without pressure or coercion or undue influence or fraud or misrepresentation.

There remains no dispute. He will maintain peace in the society.

2(i) Respondent no. 2 Rajni, wife of Rinku, resident of House no. 316, Ward no. 3, Indri, District Karnal, now resident of Ward no. 12, village Gudhah, Tehsil Indri, District Karnal (Haryana) stated that in FIR no. 485, dated 20.08.2025, under Sections 24 of Immigration Act, 316(2) and 318(4) of BNS, 2023, Police Station Indri (Karnal), which was lodged by her against the accused. Compromise is effected with accused with free consent, without pressure or coercion or undue influence or fraud or misrepresentation. There remains no dispute. She will maintain peace in the society.

2(ii) Respondent no. 3 Rinku, son of Laxman Dass, resident of House no. 316, Ward no. 3, Indri, District Karnal, now resident of Ward no. 12, village Gudhah, Tehsil Indri, District Karnal (Haryana) stated that in FIR no. 485, dated 20.08.2025, under Sections 24 of Immigration Act, 316(2) and 318(4) of BNS, 2023, Police Station Indri (Karnal), which was lodged by complainant against the accused. Compromise is effected with accused with free consent, without pressure or coercion or undue influence or fraud or misrepresentation. There remains no dispute. She will maintain peace in the society.

2(iii) SI Gurjeet, Police Station Indri (Karnal) stated that in FIR no. 485, dated 20.08.2025, under Sections 24 of Immigration Act, 316(2) and 318(4) of BNS, 2023, Police Station Indri (Karnal), there is no other accused except accused Vijay Kumar son of Ganga Vishnu being arraigned in the FIR. Accused (petitioner) Vijay Kumar son of Ganga Vishnu is involved in eight FIRS;

(i) FIR no. 628, dated 18.11.2019, under Sections 406, 420, 120B of IPC, P.S. City Pehowa,

(ii) FIR no. 206, dated 28.07.2019, under Sections 406, 420, 120B of IPC and 24 of Immigration Act, P.S. City Pehowa,

(iii) FIR no. 210, dated 30.07.2019, under Sections 406, 420, 120B of IPC and 24 of Immigration Act, P.S. City Pehowa,

(iv) FIR no. 252, dated 29.08.2019, under Sections 406, 420, 120B of IPC and 10, 24 of Immigration Act, P.S. City Pehowa,

(v) FIR no. 192, dated 19.07.2019, under Sections 406, 420, 120B of IPC and 24 of Immigration Act, P.S. City Pehowa,

(vi) FIR no. 97/25, under Sections 406, 420, 120B of IPC, P.S. City Pehowa,

(vii) FIR no. 255/2025, under Sections 406, 420, 120B of IPC, P.S. City Pehowa and

(viii) FIR no. 261/2025, under Sections 406, 420, 120B of IPC, P.S. City Pehowa.



2(iv) Respondent no. 2 to petition Rajni wife of Rinku and respondent no. 3 to petition Rinku son of Laxman Dass are not involved in any other criminal case. None of the party to the petition was declared proclaimed offender in this case or any other criminal case.

3. Sir, it is thus concluded that as per the statements of the parties, compromise is not result of any fraud or misrepresentation and is the result of free will of the parties.

3(i) There is no other accused in the FIR besides the accused (petitioner) mentioned in the petition. Sir, respondents to petition Rajni and Rinku as verified from Investigating Officer under his statement, are not involved in any other criminal case, whereas accused/petitioner Vijay Kumar is involved in eight FIRs disclosed in the statement of Investigating Officer.”

4. Learned counsel for respondent Nos.2 and 3 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.485 dated 20.08.2025 under Sections 316(2), 318(4) of BNS and Section 24 of the Emigration Act, registered at Police Station Indri, District Karnal and all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2026 (Annexure P-2), are, hereby, quashed.

10. Petitioner is directed to deposit a sum of Rs.20,000/- as costs with the Haryana Police Welfare Fund, Bank Account No. 50100097073807, HDFC Bank, Sector-8 Panchkula, IFSC Code: HDFC0000108 and furnish receipt of the same with the Registry of this Court on or before 12.05.2026.

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

(SUMEET GOEL)
JUDGE

24.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No