



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-38284-2025

HARBALKARAN SINGH AND OTHERS

....PETITIONERS

V/s

STATE OF UT CHANDIGARH AND OTHERS

....RESPONDENTS

Date of decision: 22.12.2025

Date of Uploading:22.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.K. Pandey, Advocate for the petitioners.

Mr. Ankur Bali, Addl. P.P., U.T., Chandigarh.

Mr. Harvinder Singh, Advocate for respondents No.2 and 4.

Mr. Parnav Handa, Advocate for respondent No.3.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.044 dated 24.05.2024 under Sections 420, 120-B of IPC and Section 24 of Immigration Act, registered at Police Station Sector 19, Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 30.05.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 04.09.2025, the following order was passed:

“CRM-33996-2025

Prayer in this application is for placing on record the compromise deed dated 27.07.2025 between Shamim Ahmed, Harbalkaran Singh, Mohit Sharma and Abhinav Sharma as Annexure P-1.



Allowed as prayed for. Compromise deed dated 27.07.2025 is taken on record as Annexure P-1, subject to just exceptions. CRM-M-38284-2025

The present petition under Section 528 of BNSS, 2023, is for quashing of FIR No.044 dated 24.05.2024, under Sections 420, 120-B IPC and Section 24 of Immigration Act, registered at Police Station Sector 19, Chandigarh, along with all other consequential proceedings arising therefrom, on the basis of compromise deed dated 27.07.2025 (Annexure P-1).

Notice of motion.

On the asking of this Court, Mr. Ankur Bali, APP for UT Chandigarh, accepts notice on behalf of the respondent No.1-state.

Status report by way affidavit of Dilbagh Singh Dhaliwal, Deputy Superintendent of Police-cum-SDPO (EAST), Chandigarh, on behalf of respondent No.1-State, filed in Court today is taken on record.

At this stage, Mr. Harvinder Singh, Advocate, accepts notice on behalf of the respondent Nos.2 and 4 and Mr. G.S. Virk, Advocate, accepts notice on behalf of respondent No.3. They admitted the correctness of compromise and stated that they have no objection if this petition is allowed.

Let the parties be directed to appear before the learned trial court/Illaq Magistrate within four weeks and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 15.10.2025 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance”

3. Pursuant to the aforesaid order, report dated 04.10.2025 from Judicial Magistrate Ist Class, Chandigarh has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) It is humbly submitted there are three accused persons namely Harbalkaran Singh, Mohit Sharma and Abhinav Sharma @ Abhinav Bhardwaj arrayed as accused in the FIR.

(ii) As per statement of SI Ashok Kumar no. 1601 accused persons namely Harbalkaran Singh, Mohit Sharma and



Abhinav Sharma @ Abhinav Bhardwaj have not been declared as a proclaimed offender.

(iii) The case is fixed for awaiting challan.

(iv) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntary and the same has been arrived at between the parties without any undue influence or pressure.”

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-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.044 dated 24.05.2024 under Sections 420, 120-B of IPC and Section 24 of Immigration Act, registered at Police Station Sector 19, Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 30.05.2024 (Annexure P-2), are, hereby, quashed.

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

(SUMEET GOEL)
JUDGE

22.12.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No