

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

2026:PHHC:125788



Date of Decision: 03.09.2026

1 CRM M No. 39696 of 2017 (O&M)

Bhajan Singh and others Petitioners

versus

State of Punjab and another Respondents

2. CRM M No. 22432 of 2025 (O&M)

Maan Singh Petitioner

versus

State of Punjab and another Respondents

3. CRM M No. 26002 of 2019 (O&M)

Bhajan Singh and others Petitioners

versus

Balwinder Kaur Respondent

4. CRM M No. 22522 of 2017 (O&M)

Maan Singh Petitioner

versus

Balwinder Kaur ..Respondent

CORAM: HON'BLE MRS. JUSTICE RAMESH KUMARI.

Present : Mr. Vivek K.Thakur, Advocate, for the petitioners in
all the petitions.
Mr. Yadwinder Singh, Assistant Advocate General,
Punjab.
None for the private respondents.

RAMESH KUMARI, J.

All the four petitions are taken up together as the common questions of law and facts are involved therein.

CRM M Nos. 39696 of 2017 & 22432 of 2025 (O&M)

1.
- Both the present petitions have been filed by the petitioners under Section 528 of BNSS, 2023 (corresponding Section 482 of Cr.P.C.) for quashing of a criminal case arising out of First Information Report and all the consequent subsequent proceedings arising therefrom. The details of the First Information Report are as under:-

FIR No.	Dated	Sections	Police Station
111	07.12.2016	342, 323, 120-B and 109 IPC	Bholath, District Kapurthala

CRM M Nos. 26002 of 2019 & 22522 of 2025

2.
- Both the present petitions have been filed by the petitioners under Section 528 of BNSS, 2023 (corresponding Section 482 of Cr.P.C.) for quashing of criminal complaint bearing No. COMA 525 dated 06.02.2018 titled as “Balwinder Kaur vs. Maan Singh and others”) filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-7) pending before the Court of Sub Divisional Judicial Magistrate, Bholath as well as the summoning order dated 06.02.2018 (Annexure P-8) and all the subsequent proceedings arising therefrom.
3.
- The above noted criminal case bearing FIR No. 111 dated 07.12.2016 under Sections 323, 342, 120-B and 109 of the Indian Penal Code had been got registered at Police Station Bholath, District Kapurthala, vide Annexure P-1 by respondent No.2 alleging that her marriage had been

solemnized about 17 years back (before registration of FIR) with Mann Singh. She was having one son and one daughter, aged 15 years and 13 years respectively. She also alleged that her husband prior to their marriage was living abroad in Lebanon and in the year 2006, he had gone to Portugal and continued visiting her from Portugal and whenever he came to India, he gave beatings to her and his behaviour towards her always remained cruel. She used to tell her father-in-law Bhajan Singh and mother-in-law Ranjit Singh regarding his behaviour and instead of supporting her, her parents in law in connivance with her husband used to taunt her regarding her character and they also used to instigate her husband. She further alleged that about 5/6 months back, her husband went to England and on 27.10.2016 in the morning at 06.30 A.M. he came to the house and after keeping luggage, went to the house of her in-laws and in the evening at 07.00 p.m., came back to the house in drunk condition and started giving beatings to her by saying to tell him with whom she was having relations and when her daughter and son tried to get her released, her husband also gave injuries to her daughter and by putting the head scarf (Dupatta) in her neck, he pressed her neck and tried to kill her and after putting the scarf in her mouth, he locked her along with her children in the room. Thereafter she gave a call to her parents over phone, who came there and took them out from the room and got her admitted for treatment in the Civil Hospital, Bholath, where she remained admitted for six days. She further alleged that keeping in view the future of her children, her parents and respectable persons, got a compromise effected but after living peacefully for a few days, her husband in connivance and by hatching a conspiracy along with her

mother-in-law Ranjit Kaur, father-in-law Bhajan Singh, sisters-in-law Rimpny and Babli started harassing her extensively and her sisters-in-law started saying that she would not be allowed to live in the house. She further alleged that on the night of 20.11.2016, her husband, after consuming liquor, started breaking the utensils and glasses and also started giving beatings to her and her children and locked all of them in a room and her mother-in-law and father-in-law instigated him. In the meantime, out of the glass scattered in the courtyard, foot of her mother-in-law was injured and by falling, she had suffered other injuries also. At that time, she alongwith her children was locked in the room and then she made a call to her brother Lakhwinder Singh and father Jasvir Singh and also made a call at 181 Helpline, and thereafter they were taken out of the room. She further alleged that seeing the future of her children, she and her parents continued to enter into a compromise at the Panchayati level, but on the contrary, her husband alongwith his family members continued to threaten to kill them and they also advised her to leave the house along with the children as she would not be rehabilitated in the house and would be killed. She prayed for taking action against the accused persons and for providing security to her as well as to her children. She also alleged that on 27.10.2016 and 20.11.2016, in front of the people, his husband had torn her clothes and insulted her.

4. After registration of the case against her husband Maan Singh, parents in law-Bhajan Singh and Ranjit Kaur and sisters in law Rimpny and Babli, the investigation was conducted.

5. The wife, namely, Balwinder Kaur also filed a criminal complaint being COMA No. 525 dated 06.02.2018 (Annexure P-7) under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act of 2005') before the trial Court against her husband, Maan Singh, parents in law and sisters in law levelling the same allegations which are the basis of FIR in question. In the complaint COMA No. 525, the complainant prayed for grant of protection order under Section 17 of the Act of 2005.
6. Learned counsel for the petitioners submits that the petitioner-Maan Singh and respondent No.2-Balwinder Kaur had entered into a compromise on 28.12.2016 (annexed with CRM-M No. 39696 of 2017 as Annexure P-2) which is signed by respondent No.2 as well as petitioner Maan Singh. In terms of the compromise (Annexure P-2), both the petitioner Maan Singh and respondent No.2-Balwinder Kaur filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage by way of mutual divorce. Their marriage has since been dissolved on 17.07.2017. Statement of the petitioner and respondent No.2 on the first motion were recorded vide Annexure P-3 on 12.01.2017 before the Court of Additional Sessions Judge, Kapurthala. In her statement, respondent No.2 had specifically stated that she will not pursue the FIR as well as the complaint. Respondent No.2 also suffered a statement Annexure P-4 before the police that she had got the FIR registered against her relatives and with the intervention of the respectable persons a compromise was effected and therefore, FIR be quashed. However, after dissolution of marriage and receipt of Rs.7,50,000/-, respondent No.2 is not coming forward for getting the

FIR quashed whereas petitioner Maan Singh had deposited Rs.2,50,000/- each in the name of his son and daughter separately vide Annexure P-5 by opening their accounts in Punjab Gramin Bank.

7. Learned counsel for the petitioner further submits that at the initial stage, Mr. Siddharth Sharma, Advocate had appeared on behalf of the respondent-wife but thereafter he failed to appear in Court whereas continuation of criminal proceedings arising out of the FIR and the complaint cases are nothing but an abuse of the process of law and causing unnecessary harassment to the petitioner-Maan Singh, his parents Bhajan Singh and Ranjit Kaur, sisters, namely, Rimpdy and Babli.
8. Learned counsel for the petitioner accordingly prayed for quashing of the above noted criminal cases as well as the COMA 525 dated 06.02.2018 titled as “Balwinder Kaur vs. Maan Singh and others”) filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-7) pending before the Court of Sub Divisional Judicial Magistrate, Bholath as well as the summoning order dated 06.02.2018 (Annexure P-8) and all the subsequent proceedings arising therefrom.
9. With the able assistance of learned counsel for the petitioners and State counsel, this Court has gone through the documents placed on record.
10. FIR No. 111 dated 07.12.2016 was got registered against the petitioner Maan Singh, his parents Bhajan Singh and Ranjit Kaur and sisters, Rimpdy and Babli vide Annexure P-1. However, thereafter respondent No.2-wife had entered into a compromise dated 28.12.2016 (annexed with CRM-M No. 39696 of 2017 as Annexure P-2) whereby petitioner

Maan Singh agreed to deposit a sum of Rs.8,50,000/- in the accounts of mediators to be given to Balwinder Kaur-wife and her children and the amount was to be given by the mediators to Balwinder Kaur after grant of decree of divorce. However, the petitioner had deposited Rs. 2,50,000/- each in the accounts of his children on 14.07.2017. In the first motion statement, respondent No.2 had specifically stated to the following effect:-

“My marriage was solemnized on 10.01.2001 according to Sikh Rites and ceremonies at Village Raipur Peerbuxwala, Tehsil Bholath, Kapurthala. From this wedlock, two children namely Amandeep Singh was born on 25.01.2002, Simrandeep Kaur was born on 18.10.2003, who are presently residing with me under my care and custody and their custody shall remain with me. From the very beginning of the marriage, our relations remained strained. We have not been able to cope with each other due to the temperamental differences. Now, we are residing separate from each other since 22.12.2015. Now with the intervention of the relatives and respectables, we have decided to get our marriage dissolved.

The dispute with regard to the dowry articles, marriage expenses and permanent maintenance (present, past and future etc.) has been settled between us. Petitioner no.1 will pay Rs.8,50,000/- to petitioner No. 2 for upbringing of children and their education. Petitioner No.2 has already received Rs.1,00,000/-. Remaining amount of Rs.7,50,000/- will be paid to petitioner No. 2, at the time of motion of second statement, in the shape of FDR of Rs. 2,50,000/- each on the name of above said children and remaining amount of Rs.2,50,000/- to petitioner No.2. Petitioner N.2 has lodged an FIR no.111 dated 7.12.2016 PS Bholath and the matter of same has already been settled between the parties and the petitioner No.2 does not want to pursue the above said FIR. Petitioner no.1 has also filed a criminal complaint the against the petitioner No.2 and the petitioner No.1 does not want to pursue the

above said complaint. It is also settled between the parties that the house situated in village Kamrai, which is in the name of petitioner No.2 has been exchanged by her with the house of the father of petitioner no.1 situated at village Mubarkpur, and the petitioner No.2 will be the owner of house situated at village Mubarkpur and the father of the petitioner No.1 will be owner of house situated at village Kamrai, District Kapurthala. Petitioner No.2 will not claim anything from petitioner No.1 in future towards maintenance allowance, alimony, Istridhan articles and marriage expenses. All the claims of the petitioner No. 2 against petitioner No. 1 have been satisfied. We shall not file any case of any kind against each other after this settlement and divorce.”

11. Thus, Rs. 1,00,000/- had already been received when her statement on the first motion was recorded on 12.01.2017 and thereafter Rs.2,50,000/- each had been deposited by the petitioner in the accounts of his two children. Respondent No.2 had also suffered a statement (Annexure P-4) before the Investigating Officer Jaswant Singh that she has got effected the compromise and the case filed by her be cancelled.
12. Learned counsel for the petitioner submits that the said statement (Annexure P-4) was suffered by the respondent No.2 because she had already received the remaining amount of Rs. 2,50,000/- from the petitioner Maan Singh. As respondent No.2 had settled her claimed with the petitioner and their marriage has since been dissolved on 17.07.2017, continuation of criminal proceedings and the criminal complaints against the petitioner, who are former husband, parents in law and sisters-in-law of the respondent No.2, are nothing but an abuse of the process of law causing unnecessary harassment to the petitioner Maan Singh and his family members which requires exercise of extra

ordinary powers of this Court under Section 528 of the BNSS-2023 for quashment of the criminal proceedings against the petitioner Maan Singh and his parents and sisters.

13. The law on the point is well settled that a criminal case can be quashed if it serves the ends of justice. The offence even is non-compoundable can also be quashed.
14. It is a settled position of law that the power of High Court to quash the criminal proceedings or FIR or a complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limit can be imposed therein. (*Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052*); *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*).
15. In view of the above facts and circumstances, this Court finds that continuation of the proceedings against the petitioners would be an abuse of the process of the Court and travesty of justice in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners for quashing of the FIR in question as well as the criminal complaints filed by respondent No.2 against the petitioners and his family members would be securing the ends of justice, which is primarily the object of legislature enacted under Section 528 of BNSS-2023.
16. Accordingly, the petition is allowed and the FIR No. 111 dated 07.12.2016 under Sections 342, 323, 120-B and 109 of the Indian Penal Code registered at Police Station, Bholath, District Kapurthala and all

the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners. Simultaneously, the criminal complaint bearing No. COMA 525 dated 06.02.2018 titled as “Balwinder Kaur vs. Maan Singh and others’ filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-7) pending before the Court of Sub Divisional Judicial Magistrate, Bholath as well as the summoning order dated 06.02.2018 (Annexure P-8) and all the subsequent proceedings arising therefrom are also quashed.

17. Pending application, if any, stands disposed of.
18. A copy of this order be placed in the connected files.

03.09.2026
ravinder

(RAMESH KUMARI)
JUDGE

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No