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

**CRM-M No.1190 of 2025
Date of Decision: 29.11.2025**

Sukhvir Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sarvesh Kumar Gupta, Advocate
for the petitioners.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Mr. Siddheshwar Hans, Advocate for
Mr. Gandharv Malhotra, Advocate
for the complainant-respondent No.4.

Mr. Hardeep Singh, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.0275, dated 28.12.2024, under Sections 127(6) BNS, 2023, registered at Police Station City Phagwara, District Kapurthala along with all consequential proceedings arising therefrom being false, frivolous, malafide and misuse of process of law.



2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant-respondent No.4, namely, Vipin Kumar Malhotra. It was alleged that on 27.12.2024, daughter of complainant, namely, Mansi left the home by taking Activa for going to market for some personal work and when she did not return, then at about 02:00 P.M., the complainant and family members tried to search her. In the meantime, the complainant came to know that when her daughter, Mansi, went out of the house, then Sukhvir Singh, his friends, namely, Gurpartap Singh @ Guri and Rajat Mittal along with 7-8 other boys were following her in 3-4 cars and took her daughter towards the side of Baba Sipahiyan road, Phagwara. Thus, the request was made to take legal action against the accused and the present FIR was registered. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for quashing of the present FIR.

3. Learned counsel for the petitioners has submitted that FIR in the present case was lodged on the statement of respondent No.4, namely Vipin Kumar Malhotra, who is the father of respondent No.5. He has submitted that respondent No.5 is of the age of majority and has voluntarily performed the marriage with petitioner No.1, namely, Sukhvir Singh on 27.12.2024. He has submitted that after their marriage, petitioner No.1 and respondent No.5 had approached this Court by way of filing CRWP-12666-2024 praying for granting protection to their life and liberty, however the same was disposed of by this Court vide order dated 31.12.2024. He has further submitted that the father of Mansi, i.e.



respondent No.5, as an act of vendetta, has lodged the present FIR against the petitioners, out of which, petitioner No.1 is the husband of respondent No.5, namely, Mansi. He has submitted that the present FIR is nothing but an abuse of the process of law and thus the same is liable to be quashed.

4. Respondent No.5, namely, Mansi, is present in the Court. The Court has interacted with her.

5. Respondent No.5, namely, Mansi, has submitted before this Court that she had done B.com (honors) from Lovely Professional University. She has submitted that she had voluntarily married petitioner No.1, namely, Sukhvir Singh. However her family members opposed the same, and thus, both of them approached this Court by way of filing CRWP-12666-2024 praying for granting protection to their life and liberty. She has further submitted before this Court that FIR lodged by her father, namely, Vipin Kumar Malhotra, i.e. respondent No.4 is totally false and frivolous and there is no iota of truth regarding her illegal confinement as she is legally wedded wife of petitioner No.1, namely, Sukhvir Singh.

6. Short reply dated 24.07.2025 by way of an affidavit of Bharat Bhushan, PPS, Deputy Superintendent of Police, Sub Division Phagwara, Kapurthala on behalf of respondents No.1 to 3 has already been filed, which is taken on record.

7. Learned counsel for respondent No.4 has vehemently opposed the submissions made by learned counsel for the petitioners.



8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. It has been transpired that the present FIR has been lodged on the statement of complainant-respondent No.4, namely, Vipin Kumar Malhotra, who is none other than father of respondent No.5, as an act of vendetta. Respondent No.5, i.e. daughter of respondent No.4 had voluntarily married with petitioner No.1 on 27.12.2024 according to Sikh Rites and Rituals. Petitioner No.1 and respondent No.5 earlier approached this Court by way of filing CRWP-12666-2024 praying for granting protection to their life and liberty and this Court vide order dated 31.12.2024 had disposed of the same. As submitted before this Court by respondent No.5, Mansi, who is present in the Court, that she is major and they are residing together as husband and wife out of their free will, without any pressure or coercion.

10. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

11. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another*



(2003) 4 Supreme Court Cases 675 followed by this Court in Full Bench case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052** have dealt with the proposition involved in the present case and settled the law.

12. Thereafter, Hon'ble Supreme Court in **Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335**. Para 61 of the judgment reads as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like



Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.0275, dated 28.12.2024, under Sections 127(6) BNS, 2023, registered at Police Station City Phagwara, District Kapurthala



along with all consequential proceedings arising therefrom are hereby
quashed qua the petitioners.

14. Petition stands allowed.

29.11.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No