



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-34915-2025 (O&M)
Date of decision: 04.12.2025

MUSKANPREET KAUR ALIAS MUSKAN AND ANOTHER
.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER
.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Veneet Sharma, Advocate
for the petitioners.

Ms. Savi Nagpal, Asst. A.G. Punjab.

Mr. Sandeep Sharma, Advocate
for respondents No.2-complainant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-48553-2025

The present application has been filed under Section 528 of
BNSS, 2023 for preponing the date of hearing of the main case.

For the reasons mentioned in the application, the same is
allowed and the main case is taken up on Board today itself for hearing.

CRM-M-34915-2025

1. Prayer in the present petition under Section 482 of the Code of

Criminal Procedure is for quashing of FIR bearing No. 588 dated 21.11.2022 under Sections 380, 454, 457, 427, 34 of the Indian Penal Code, 1860 registered at Police Station Islamabad, Amritsar City, District Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise dated 30.04.2024 (Annexure P-2).

2. Learned counsel for the petitioners submits that the aforesaid FIR was registered on the statement of Amrik Singh, who alleged that he owns a house at Kot Khalsa, Amritsar, which is in the name of his wife, Amina. In December 2021, he had rented half portion of the house to Lakhwinder Singh @ Lavy and his wife Muskanpreet Kaur @Muskan who lived there with their 2 minor children at a monthly rent of ₹6,000, while retaining possession of the remaining portion. Upon his return from abroad on 11.11.2022, he found that the locks of the premises had been changed, and on breaking them open, he discovered that the rooms had been ransacked and various articles, including ₹35,000 in cash, cheque books, the original sale deed, the rent agreement, jewellery and utensils were missing. He alleged that Lakhwinder Singh and his wife had committed theft in his absence. Hence, the FIR was registered. However with the intervention of the respectables, the parties amicably settled the dispute voluntarily and without any pressure. Hence, the present petition was filed.

3. Pursuant to the order dated 18.07.2025, report has been received from the Judicial Magistrate 1st Class, Amritsar vide Memo No. 130 dated 02.09.2025. The relevant extract of the report reads thus:-

“1. Name of the complainant and all accused arrayed in the FIR. whether all of them have appeared and made their respective statements in support of the compromise so effected

between them?

Ans. FIR was registered by complainant Amrik Singh against Muskanpreet Kaur @ Muskan and Lakhwinder Singh. All of them appeared and made their respective statements in the support of compromise so effected between them.

2. Whether any of the accused has been declared a proclaimed offender?

Ans. There are two accused persons in the present FIR:-

(1) Muskanpreet Kaur @ Muskan

(II) Lakhwinder Singh

As per the report of investigating officer, no person has been declared as proclaimed offender/proclaimed person and no such proceedings have been initiated pending against them.

3. Stage of trial/proceeding:

Ans. Perusal of file reveals that the challan has been presented in this case and is pending for consideration on charge.

4. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

Ans As per statement of both the parties, the undersigned is satisfied that compromise is genuine, voluntary and without any coercion or undue influence.

5. Criminal antecedents, if any, of the petitioner.

Ans As per the record available with the undersigned and from the perusal of statement of the parties and investigating officer, there are two another FIRs i.e. First FIR no. 172/23 under Section 25 Arms Act and under Section 18/28/29 of NDPS Act, PS Chheharta, Amritsar and Second FIR no. 298/23, under Section 21, 21C, 27-A, 29/61/85 and under Section 25(6), (7) Arms Act, PS Islamabad has been registered against the accused Lakhwinder Singh. The accused Muskanpreet Kaur @

Muskan is not involved in any other case, except the present case.”

4. A perusal of the aforesaid report shows that compromise has been effected voluntarily between the parties and is genuine and without coercion or any undue pressure.

5. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

6. Mr. Sandeep Sharma, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

7. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641' wherein it was held as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of

jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing

insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

8. The Hon'ble Supreme Court has held in '**Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834**', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

9. The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. The offences alleged are primarily of private nature and in relation to property and possession.
- b. A mutual settlement has been reached between the parties and the first party does not want to take any legal action against the second party. Therefore, putting an end to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.
- c. Petitioner no 1 is 31 years and Petitioner no 2 is 28 years of age and continued criminal incarceration will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place.
- d. The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;
- e. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no longer public purpose and only result in futile expenditure of judicial time.

10. In view of the report submitted by the Judicial Magistrate First Class, Amritsar, and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The

aforesaid FIR bearing No. 588 dated 21.11.2022 under Sections 380, 454, 457, 427, 34 of the Indian Penal Code, 1860 registered at Police Station Islamabad, Amritsar City, District Amritsar and all other consequential proceedings arising therefrom **are hereby quashed** in view of compromise dated 30.04.2024 (Annexure P-2).

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 04, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No