



CRM-M-50959-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 06.02.2025

Kashmir Kaur and Anr.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Bhupinder K.Bhangu, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Ms. Gagandeep Kaur Vaishali, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners- Kashmir Kaur and Kashmir Singh @ Beru @ Veer have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0057 dated 21.03.2022, under Sections 324, 452, 323, 354, 34, 506 of IPC, 1860, registered at Police Station Kotwali Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 25.09.2024 (Annexure P-2).

2. As per the facts of the case, complainant aged 19 years gave her statement that on 19.03.2022 at about 5:00 PM, she was present at the house of maternal side when Beru and one unknown person called her father Puran Singh @ Matar to accompany him. On his refusal, they started quarreling with him. The matter was pacified and they left abusing them. After some time, they entered the house carrying *datar* and wooden stick and tried to overpower her father. She came forward to rescue him. On this Billa Kabadia caught hold of her with bad intention



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and outraged her modesty. Veer gave *datar* blow which hit on her head. She raised her right hand to defend herself, as a result, it hit on her right finger and she started bleeding. Veer again gave *datar* blow twice which hit on her shoulder and back side of thigh. Kashmir Kaur also reached on the spot and caught hold of her from her hair and threw her on the ground. She received multiple injuries. Thereafter, the assailants left the spot. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 16.10.2024, petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Kapurthala dated 22.01.2025. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioners- Kashmir Kaur and Kashmir Singh @ Beru @ Veer have also confirmed this fact in their joint statement. Statement of SI Kirpal Singh is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Kapurthala, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled their dispute. They will be able to live in peace and harmony. It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.



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6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No. FIR No.0057 dated 21.03.2022, under Sections 324, 452, 323, 354, 34, 506 of IPC, 1860, registered at Police Station Kotwali Kapurthala, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners.

(AMARJOT BHATTI)
JUDGE

06.02.2025.

Sunil Devi

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