

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

272

2026:PHHC:071656



CRM-M-7561-2026 (O&M)
Date of decision: 07.05.2026.

HARPALJIT KAUR

...Petitioner(s)

VERSUS

SUKHDEV SINGH AND ANOTHER

...Respondent(s)

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

Present :- Mr. Puneet Singh Rana, Advocate, for
Mr. Mitul Singh Rana, Advocate,
for the petitioner(s).

Mr. Harish Rana, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of Sessions case bearing no.
SC/141/2023, under Sections 323 and 34 of the Indian Penal Code, 1860 and
Sections 75, 82 and 86 of Juvenile Justice (Care and Protection of Children)
Act, titled as 'Sukhdev Singh Vs. Harpaljit Kaur and another' instituted on
12.04.2023 and pending in the Court of Additional Sessions Judge,

Hoshiarpur, arising out of summoning order dated 23.11.2020 in a complaint case bearing No.COMI/29/2019, dated 20.09.2018, along with all subsequent proceedings arising therefrom on the basis of compromise dated 31.01.2026 (Annexure P-3).

2 Briefly summarized, Chetan Singh (minor son of complainant) is a regular student of 4th Class in Government Elementary (Primary) School, Village Khanaurha, District Hoshiarpur. Harpaljit Kaur is a class teacher and Hans Raj is the Headmaster of the school. On 16-04-2018, Chetan Singh was present in the school and he was studying in his class under the care and custody of Harpaljit Kaur, who is also a resident of same village. It is further averred that accused Harpaljit Kaur was teaching 4th class at about 10.00 A.M., however, she suddenly gave a severe beating with a wooden stick to Chetan Singh, who started crying and weeping. It is further averred that when another student, namely Sagar Masih, reached near Chetan Singh, Harpaljit Kaur also started giving beatings to Sagar Masih. It is further averred that the son of the complainant disclosed the occurrence to the complainant and he also stated that Hans Raj (Headmaster) was also present in the school, but he did not stop Harpaljit Kaur from giving him beatings. It is further averred that the complainant took his son to Civil Hospital, Hoshiarpur for treatment, where he was medico legally examined and was treated by the doctor. The complainant lodged police complaint at P.S. Mehtiana, but the police registered DDR No. 0023 dated 18-04-2018 under Sections 107/151 Cr.P.C. against Harpaljit Kaur and registered DDR No. 028 dated 17-04-2018, under Section 323 IPC. The statements of minor children Chetan Singh and Sagar Masih were recorded by the police on 17-

04-2018. An inquiry was conducted by the higher officials of the Education Department as well as Children's Rights Department, Hoshiarpur. Son of complainant revealed that he was not good at English, hence accused Harpaljit Kaur used to torture him physically. It was further averred that the offence committed by the accused person was a 'special offence' cognizable and punishable U/s 82 and 86 of Juvenile Justice (Care & Protection of Children) Act, 2015. Thus, a private complaint was got registered against the petitioner herein.

3 However, with the intervention of the respectables from both sides, the parties have decided to compromise the matter. Hence, the present petition.

4 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 10.02.2026 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5 Pursuant to the said order, a report has been received from the Additional Sessions Judge, Hoshiarpur, vide Memo No.270 dated 27.04.2026. The relevant extract of the report is reproduced as under:-

“From the statement of the complainant, victim, accused and report of concerned SHO, the pointwise report is as under:-

I) There is one accused in the complaint namely Harpaljit Kaur.

II) There is one complainant namely Sukhdev Singh and one victim namely Chetan Singh..

III) The complainant as well as accused are party to the compromise and they both have signed the same. However, victim Chetan, minor son of complainant is neither party to the

compromise nor signed the same, but he has made statement in the court.

IV) In the present case MLR of another child namely Sagar Masih S/o John Masih aged 8 years (who also allegedly suffered injuries at the hands of accused Harpaljit Kaur) was also tendered in preliminary evidence as Mark C, but he is neither complainant nor examined as a witness in the present case.

V) As per report of SHO, accused has not been declared as proclaimed offender/person and no such proceedings against her are initiated or pending and no other case is registered against her.

VI) As per the statements of parties, the compromise is genuine, voluntary and without any coercion or undue influence.

VII) There is no other aspect relevant to the present case.

6 The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) 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'. The relevant paragraphs are extracted as under: -

“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 noncompoundable.

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.”

7 The Hon'ble Supreme Court has held in the matter of **'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.

8 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 BNSS:-

(i) It is established from the report submitted by Additional Sessions Judge, Hoshiarpur, that the parties have entered into a compromise voluntarily, which is genuine in nature and has been effected without any coercion, undue influence, or pressure.

(ii) The perusal of the complaint reveals that the occurrence arose out of beatings given by the petitioner to the complainant's son and was a result of sudden outburst in the heat of the moment. There is nothing on record to suggest that the act was preceded by any pre-meditated or calculated design to commit a graver offence.

(iii) The petitioner is aged 41 years and continuation of criminal proceedings would hamper her career prospects and health respectively.

(iv) The offence(s) alleged can neither be characterised as heinous or of such gravity as to shock the collective conscience of society, nor do they partake the nature of offences that would shock the conscience of the Court.

(v) In the totality of the circumstances, the continuation of the complaint and all proceedings emanating therefrom would amount to an abuse of the process of law and the ends of justice would be better served by quashing the same in view of the compromise effected between the parties.

(vi) Quashing of the complaint in the facts and circumstances of the case would secure the ends of justice, restore harmony between the parties, and prevent abuse of the process of law.

9 In view of the report of the Additional Sessions Judge, Hoshiarpur, and the principles laid down by the Apex Court in catena of judgments discussed above, the instant petition is allowed. Complaint case bearing No.COMI/29/2019, dated 20.09.2018, filed under Sections 323 and 34 of the Indian Penal Code, 1860, and under Sections 75, 82 and 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015; the summoning order dated 23.11.2020 passed by the Judicial Magistrate First Class, Hoshiarpur, along with all subsequent proceedings arising therefrom, are hereby quashed on the basis of compromise dated 31.01.2026 (Annexure P-3) entered between the parties.

10 Petition is allowed in above terms.

May 07, 2026.
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(VINOD S. BHARDWAJ)
JUDGE

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