



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300

CRM-M-51657-2025
Date of decision: 20.01.2026

GURJEET KAUR @ GURJIT KAUR @ LOVELY AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

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

Present: - Mr. Jasman Singh Gill, Advocate
for the petitioners.

Mr. Saurav Verma, Addl. A.G. Punjab.

Mr. Aakash Sharma, Advocate for
Mr. Abhishek Sharma, Advocate for
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for seeking quashing of FIR No. 32 dated 29.03.2024 (Annexure P-1) registered under Sections 387, 506 and 34 IPC at Police Station Dugri, District Ludhiana, final report under Section 173 Cr.P.C. presented qua petitioners bearing No. CHI/47208/2024 dated 11.10.2024 (Annexure P-2) on the basis of the joint statement of petitioner No.1 and respondent No.2 dated 07.08.2025

(Annexure P-4), duly recorded before Judicial Magistrate First Class, Rupnagar, on the basis of the order dated 07.08.2025 (Annexure P-5) and the subsequent compromise deed dated 28.08.2025 (Annexure P-6).

2. Briefly summarized, the facts of the case are that the respondent No.2-complainant, Amardeep Singh, does the work of agriculture and property dealing. He married petitioner no.1 Gurjit Kaur @ Lovely, as per Sikh rites and ceremony on 19.01.2018 and no child was born out of this wedlock. After the marriage, petitioner No.1 allegedly started harassing the respondent no.2/complainant on the pretext that she did not want to stay with his family members, and started insisting on being provided a separate accommodation. The complainant tried to make petitioner no.1 understand that he was the only support of his elderly mother (who is a heart patient), as his father had already expired and that his elder brother too was a 50-year-old heart patient. However, petitioner no.1 did not accede to any of the complainant's requests and kept on harassing his family members. She eventually left the matrimonial house, started residing at her parental house and thereafter filed a case for the demand of dowry against the respondent no.2/complainant before the Family Court. Complainant then received a phone call from M.no.447311061552 and WhatsApp messages after 8:00 PM on 08.01.2024. The person on the phone told him to give Rs.30 lakh to petitioner no.1 and take a divorce from her, while claiming to be the brother of the petitioners. The complainant further alleged that the petitioner no.2 is a criminal-minded person and that various cases have been registered against him, on account of links with various gangsters. Even Petitioner No. 1 did a reiki in front of the house in the presence of the complainant. The

petitioners, in connivance with unknown persons, also continued to threaten the complainant by way of foreign calls/WhatsApp messages to extort money. The present FIR thus came to be registered against the petitioners.

3. It is, however, averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion. Hence, the present petition.

4. Pursuant to the order passed by this Court on 15.09.2025, the costs of Rs. 10,000/- each have been deposited by the petitioners and the receipt thereof is taken on record. A report has also been received from the Judicial Magistrate 1st Class, Ludhiana vide Memo No. 776 dated 20.11.2025. The relevant extract of the report reads thus:-

“1. In the present FIR, total two (2) persons namely Gurjeet Kaur @ Gurjit Kaur @ Lovely and Paramveer Singh are arrayed as accused.

2. There is only one complainant/victim namely Amardeep Singh and two accused persons and they all are party to the compromise in question.

3. All the accused persons are arrayed as party in the quashing petition before Hon'ble High Court.

4. No accused person has been declared proclaimed offender in the present case and no proclamation proceedings have been initiated or pending against them.

5. The compromise between the parties is genuine, voluntary and without any pressure or coercion or undue influence.

5. Learned State counsel has filed the Status report by way of affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police, (South), Police Commissionerate in the Court today and the same is taken on record. 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. Aakash Sharma, Advocate for Mr. Abhishek Sharma, Advocate for respondent No.2, appears on behalf of respondent No. 2 and reiterates the settlement and his concurrence to the quashing of the FIR along with all the other consequential proceedings.

7. Hon'ble Supreme Court in the matter of '***Narinder Singh and others v. State of Punjab and another***', reported as **(2014) 6 SCC 466**, laid down the following principles for invocation of powers under Section 482 CrPC:

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have

settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be*

generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at

infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

8. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. It is established from the report of Judicial Magistrate First Class, Ludhiana, that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or undue influence.
- b. The present FIR emanates from a matrimonial dispute between petitioner No.1 and respondent No.2. The petitioners are not involved in any other criminal case.

- c. Petitioner No.1 is aged 39 years and Petitioner No.2 is aged 36 years approx. and continued incarceration in a criminal case would cause severe repercussions to the petitioners in their careers and the discharge of their social obligations.
- d. The FIR in question pertains to the year 2024 and therefore, the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquillity among the parties.
- e. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;

9. In view of the report submitted by the Judicial Magistrate 1st Class, Ludhiana 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 No. 32 dated 29.03.2024 (Annexure P-1) registered under Sections 387, 506 and 34 IPC at Police Station Dugri, District Ludhiana, along with all subsequent proceedings arising therefrom, **are hereby quashed** in view of the compromise deed dated 28.08.2025 (Annexure P-6).

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 20, 2026
Vishal Sharma

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