



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-52306-2025 (O&M)

Date of decision: 28.01.2026

Hardeep Singh and others

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. Dhiraj Jindal, Advocate for the petitioner(s).

Mr. Rituraj Singh, DAG Punjab.

Mr. Sahil Siddharth Jain, Advocate for respondents No. 2 and 3.

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.48 dated 02.03.2025 registered under Sections 140(3) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Bhawanigarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 06.09.2025 (Annexure P-2).

2. The FIR in the present case was registered on the statement of Hira Khan, who stated that he is a resident of the aforesaid address and earns his livelihood as a driver. He averred that on 23.02.2025, he solemnised marriage with Kamalpreet Kaur, daughter of Hardeep Singh, resident of House No. 210, Sector-5C, Mandi Gobindgarh, District Fatehgarh Sahib. It was further stated that owing to threats extended by Hardeep Singh, his wife



Lakhwinder Kaur and their son Gurpal Singh, the complainant and his wife had earlier approached the Court of the learned Sessions Judge, Sangrur and obtained appropriate orders, copies whereof were received by the complainant on the same day. According to the complainant, on the said date, at about 4:00 p.m., while he and his wife Kamalpreet Kaur were present at their house in village Phumanwal, Hardeep Singh, Lakhwinder Kaur and Gurpal Singh, along with 4–5 unknown persons, came to his house and they forcibly made Kamalpreet Kaur sit in a car against her will and abducted her from the spot. On the basis of the aforesaid allegations, the complainant sought registration of a criminal case and initiation of legal action against the named persons.

3. However, with the intervention of the respectables, 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 17.09.2025 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, report has been received from the Additional Chief Judicial Magistrate, Sangrur vide Memo No. 252 dated 04.11.2025. The relevant extract of the report is reproduced as under:-

“(i) As per statement of Investigating Officer, there are three accused persons namely Hardeep Singh son of Bhagwan Singh resident of House No. 210, Sector 5-C Kaukar Majra. Mandi Gobindgarh District Fatehgarh Sahib (ii)



Lakhwinder Kaur wife of Hardeep Singh resident of House No. 210, Sector 5-C Kaukkar Majra, Mandi Gobindgarh District Fatehgarh Sahib (iii) Gurpal Singh son of Hardeep Singh resident of House No. 210, Sector 5-C Kaukkar Majra, Mandi Gobindgarh District Fatehgarh Sahib are nominated in the present FIR.

- (ii) As per the statement of Investigating Officer, there are two complainant/victims namely Heera Khan son of Alafdeen Khan resident of Village Phumanwal, District Sangrur and Kamalpreet Kaur wife of Heera Khan, resident of Village Phumanwal. District Sangrur*
- (iii) Yes, all the accused and complainants/victims are party to compromise and signed the same*
- (iv) No affected accused or complainant is left out or not 1913 arrayed as party in the quashing petition before High Court.*
- (v) As per statement of Investigating Officer, the said accused persons have never been declared as Proclaimed offender.*
- (vi) The compromise has been effected between the parties without any pressure, coercion, undue influence and the compromise has been effected between the parties voluntarily and genuinely.*
- vii) No.”*

6. Reply filed by way of affidavit dated 01.12.2025 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

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



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the resolution of the dispute amongst the parties.

8. Learned counsel appearing on behalf of respondents No. 2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed and affirmed during statement before the trial Court.

9. The Hon'ble Supreme Court in the case of ***Yogendra Yadav & Others v. State of Jharkhand & Another*** reported as ***(2014) 9 SCC 653*** has held that although non-compoundable offences under Section 320 Cr.P.C. cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their dispute. The Court has held that this power must be exercised on a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection, and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus :

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be



strictly followed (Gian Singh v. State of Punjab, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 : (2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

10. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- i. The dispute in question arises out of a matrimonial and



family discord and is essentially private and personal in nature, not affecting public peace, order or societal interest at large.

- ii. The parties have amicably resolved their differences and the compromise has been arrived at voluntarily, without any coercion, pressure or undue influence, with the intent to restore peace and normalcy in their inter se relations.
- iii. Petitioner Nos. 1 and 2 are in their mid to late forties, are settled in life and the continuation of criminal proceedings at this stage would serve no meaningful purpose.
- iv. Petitioner No. 3 is a young adult of about 20 years and prolonged criminal prosecution would have a disproportionately adverse impact on his future, education and career prospects.
- v. The allegations stem from an emotionally charged situation involving family members, rather than from any premeditated criminal intent or conduct of a heinous nature.
- vi. There is no material on record to suggest that the petitioners are habitual offenders or that their conduct poses any continuing threat to society.
- vii. In view of the compromise, the possibility of conviction is remote, as the complainant is no longer inclined to support the prosecution case, rendering the continuation of proceedings a futile exercise.
- viii. Allowing the criminal proceedings to continue, despite the settlement, would amount to an abuse of the process of law and would result in unnecessary harassment of the parties and wastage of valuable judicial time.

11. In view of the report of the Additional Chief Judicial



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Magistrate, Sangrur and the principles laid down by the Apex Court on the subject, the instant petition is allowed. FIR No.48 dated 02.03.2025 registered under Sections 140(3) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Bhawanigarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 06.09.2025 (Annexure P-2).

12. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

28.01.2026

Mangal Singh

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