



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-54070-2025 (O&M)

Date of decision: 28.01.2026

Asha

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

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

Present :- Mr. D.S. Randhawa, Advocate for
Mr. A.S. Manaise, Advocate for the petitioner(s).

Mr. Rituraj Singh, DAG Punjab.

Mr. Anmoldeep Singh, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.130 dated 06.09.2025 registered under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Qadian, Police District Batala, District Gurdaspur, along with all subsequent proceedings arising therefrom on the basis of compromise dated 18.09.2025 (Annexure P-2).

2. The FIR in the present case came to be registered on the statement of Yusaf Masih, who stated that he earns his livelihood by doing household work. It is stated that during the intervening night of 03/04.09.2025, when the entire family was asleep, his wife, Asha, committed theft of ₹30,000/-, a mobile phone and gold jewellery from the house. It is further stated that despite continuous efforts made thereafter, the complainant and his family members have been unable to trace his wife.



Accordingly, the complainant, along with his father Makbool Masih, approached the Police Station to report the incident and sought initiation of legal action against his wife, Asha.

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 24.09.2025 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 Judicial Magistrate 1st Class, Batala vide Memo No. 798 dated 06.11.2025.

The relevant extract of the report is reproduced as under:-

- “ 1. In the present FIR, one petitioner/accused person namely Asha wife of Yusaf Masih resident of Christian Colony, Village Kahlwan, P.S Qaian, Tehsil Batala, District Gurdaspur is arrayed as accused in the present FIR*
- 2. In the present FIR, there is only one complainant/victim Yusaf Masih son of Malbool Masih in the present FIR*
- 3. It is submitted that accused Asha and complainant Yusaf Masih are party to compromise and signed the same*
- 4. No any other affected person in the present FIR*
- 5. It is submitted that as per statement of investigating officer the present FIR, none of accused/petitioner has been declared proclaimed person or any any proceedings*



against him/her have been initiated or pending adjudication.

6. *In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any kind of influence or coercion or pressure*
7. *No any other aspect relevant to the present FIR.”*

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 the resolution of the dispute amongst the parties.

8. Learned counsel appearing on behalf of respondent No. 2 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 broad principles for exercising the powers under Section 482 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 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.”*

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 arises out of a purely domestic and matrimonial discord between the complainant and his wife, which is essentially private in nature and does not*



involve any element of public interest or societal concern.

- ii) Petitioner is lady of 36 years of age and continued criminal incarceration will cause severe repercussions to the petitioner in discharge of her social obligations.*
- iii) The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.*
- iv) The allegations pertain to removal of household articles and money from the matrimonial home, which, in the given facts, are intertwined with matrimonial relations and are more appropriately amenable to resolution within the private domain.*
- v) Subsequent developments indicate that the parties have resolved their differences amicably and have chosen not to pursue any criminal action against each other, thereby eroding the very foundation of the prosecution.*
- vi) The offence alleged cannot be categorised as heinous or such as would shock the conscience of the Court or the collective conscience of society so as to warrant continuation of criminal proceedings despite settlement.*
- vii) In view of the settlement, the complainant is unlikely to support the prosecution case and the continuation of criminal proceedings would have little or no prospect of*



resulting in conviction.

- viii) *Allowing the criminal proceedings to continue would serve no larger public purpose and would only perpetuate personal acrimony and result in unnecessary harassment of the parties.*
- ix) *Quashing of the FIR in the facts and circumstances of the case would secure the ends of justice, restore domestic harmony, and prevent abuse of the process of law.*

13. In view of the report of the Judicial Magistrate 1st Class, Batala and the principles laid down by the Apex Court in '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the instant petition is allowed. FIR bearing No.130 dated 06.09.2025 registered under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Qadian, Police District Batala, District Gurdaspur, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 18.09.2025 (Annexure P-2).

14. Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

28.01.2026
Mangal Singh

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