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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRM-M-50575-2024 (O&M)
Date of decision: 03.03.2025

KAWALJIT KAUR ALIAS KANWALJIT KAUR

....Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. S.L.C. Shekhar, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Tapan Bhardwaj, Advocate for respondent No.2.

KIRTI SINGH. J.(Oral)

1. This petition has been filed for quashing of FIR No.0063 dated 22.08.2024 under Sections 64, 318(4) and 351 (3) of BNSS, 2023 registered at Police Station Verka, District Police Commissionerate, Amritsar, District Amritsar along with all consequential proceedings arising therefrom, on the basis of compromise/affidavit (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in **Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Cr1.) 497**, to contend that FIR under Section 64 of BNS, 2023 can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in **Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149** and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.



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3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while issuing notice of motion vide order dated 28.01.2025, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

5. Pursuant to the aforesaid order, report dated 25.02.2025 has been received from the Additional Sessions Judge, (Fast Track Court) Amritsar. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent



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power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

xxx xxx xxx. ”

8. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

9. Resultantly, the present petition is allowed and FIR No.0063 dated 22.08.2024 under Sections 64, 318(4) and 351 (3) of BNSS, 2023 registered at Police Station Verka, District Police Commissionerate, Amritsar, District Amritsar and all other consequential proceedings are quashed qua respondent No.2 on the basis of the compromise (Annexure P-2), subject to payment of Rs.15,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period



of one month.

10. Pending miscellaneous application(s), if any, also stands disposed of.

03.03.2025
amandeep

(KIRTI SINGH)
JUDGE

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