

(2025) 08 P&H CK 0913
In the Punjab And Haryana At Chandigarh
Case No : CRM-M Of 24047 Of 2025

Surmukh Singh and Ors

APPELLANT

Vs

State of Punjab and Anr

RESPONDENT

Date of Decision : 28-08-2025

Acts Referred:

Citation : (2025) 08 P&H CK 0913

Hon'ble Judges : Amarjot Bhatti, J

Bench : Single Bench

Advocate : Jagmeet Singh Moudgill, Amrit Kaur Mahir, Madhu Bala, J.S.Bhinder

Final Decision : Allowed

Judgement

Amarjot Bhatti, J

1. Petitioners – Surmukh Singh, Manjit Kaur and Sukhwinder Singh have filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0054 dated 01.03.2025, registered under Sections 115(2), 351(2), 302, 85, 3(5), 126(2) of BNS 2023 at Police Station Kharar, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom, qua the petitioners, in light of the compromise effected between the parties dated 01.04.2025 (Annexure P-2).

2. As per facts of the case, complainant Sarabjeet Kaur gave her statement that her marriage was solemnized with Sukhwinder Singh in the year 2015. After few days of her marriage, her husband and both in-laws started beating her for bringing less dowry. She tolerated their behaviour to save the honour of her parents. Her husband was also addicted to drugs. During this period, she gave birth to a son namely Ekamjeet Singh aged about 09 years. There was continuous harassment in the matrimonial home. Compromise had taken place with the intervention of Panchayat. Her husband had sold her ornaments in order to fulfill his lust for drugs. In order to satisfy her in-laws, her parents had purchased a new Honda Activa for them. On 24.02.2025 at about 8:30/9:00 PM,

she was beaten up by her husband Sukhwinder Singh, mother-in-law Manjit Kaur and father-in-law Surmukh Singh. She narrated this incident to her mother on phone. She was threatened by her husband and in-laws that they would kill her. They threatened to strangulate her. After about two hours, her parents came along with Sarpanch of village Magar. They were abused by her husband and members of in-laws family and a scuffle also took place. She was taken to Civil Hospital, Kharar where she was admitted. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 08.07.2025, petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Kharar dated 07.08.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected voluntarily, without any coercion or undue influence and she has no objection regarding quashing of FIR.

4. Petitioners- Surmukh Singh, Manjit Kaur and Sukhwinder Singh also confirmed this fact in their joint statement. Statement of ASI Kulwinder Singh is also recorded who confirmed that petitioners are not involved or declared as proclaimed offenders in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Kharar it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their claims arisen from matrimonial dispute and started living together. They will be able to live in peace and harmony. It will end the litigation started between them.

6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 titled as "Kulwinder Singh and Ors. Vs. State of Punjab and Anr.", where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No.0054 dated 01.03.2025, registered under Sections 115(2), 351(2), 302, 85, 3(5), 126(2) of BNS 2023 at Police Station Kharar, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arisen therefrom are quashed qua petitioners.