

CRM-M-34067-2024
Date of decision: 23.08.2024

...PETITIONER

STATE OF HARYANA AND OTHERS

...RESPONDENTS

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Himanshu Garg, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and all enabling provisions of BNSS-2023 for quashing of FIR and all the consequent proceedings arising therefrom including final report under Section 173 Cr.P.C. against the petitioner in case arising out of FIR No.78 dated 28.07.2019 under Sections 323/354-A/354-B/452/376/511 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment-2015) registered at Police Station Rori, District Sirsa, Haryana (Annexure P-1) on the basis of compromise/settlement (Annexure P-3).
2. Mr. Himashu Garg, Advocate has filed his *vakalatnama* on behalf of respondent Nos.2 and 3, which is taken on record. Registry is directed to tag the same at the appropriate place.
3. The following order was passed on 18.07.2024 :-



“This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and all enabling provisions of BNSS-2023 for quashing of FIR and all the consequent proceedings arising therefrom including final report under Section 173 Cr.P.C. against the petitioner in case arising out of FIR No.78 dated 28.07.2019 under Sections 323/354-A/354-B/452/376/511 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment-2015) registered at Police Station Rori, District Sirsa, Haryana on the basis of compromise/settlement (Annexure P-3).

Learned counsel for the petitioner inter alia contends that the complainant is a married lady and due to some personal dispute, the FIR (supra) has been registered. The complainant/respondent No.2 has made a complaint on the basis of which the FIR (supra) got registered. He further submits that the parties are ready and willing to record their statements for quashing of FIR (supra) on the basis of compromise. He further relies upon the judgment of the Hon’ble Supreme Court in ‘Kapil Gupta Vs. State of NCT of Delhi and others’ 2022 (4) RCR (Criminal) 497.

Notice of motion for 23.08.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Himanshu Garg, Advocate accepts notice for respondents No.2 & 3 and files his vakalatnama on behalf of respondent No.2 and memorandum of appearance on behalf of respondent No.3 and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 23.08.2024.



A copy of the order be sent to learned trial Court/Illaq
Magistrate through fax for compliance.”

4. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.
5. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.78 dated 28.07.2019 under Sections 323/354-A/354-B/452/376/511 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment-2015) registered at Police Station Rori, District Sirsa, Haryana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

August 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |