

2024:PHHC:119980



246

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38893-2024 (O&M)
Date of decision: 12.09.2024

Musharraf and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (earlier Section 482 Cr.P.C.) seeking
quashing of FIR No.173 dated 09.07.2024 under Sections 115, 333, 64(2)
(m) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at
Police Station Chhachhrauli, District Yamuna Nagar (Annexure P-1) and all
subsequent proceedings arising therefrom on the basis of compromise dated
20.07.2024 (Annexure P-2).

2024:PHHC:119980



2. The following order was passed on 12.08.2024 : -

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 Cr.P.C.) seeking quashing of FIR No.173 dated 09.07.2024 under Sections 115, 333, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Chhachhrauli, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.07.2024 (Annexure P-2).

*Learned counsel for the petitioners, inter alia, contends that FIR (supra) was registered at the instance of respondent No.2 against the petitioners and now she has effected a compromise with them and they have settled their dispute amicably. Learned counsel for the petitioners 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 (Crl.) 497**, to contend that FIR under Section 376 of IPC (now Section 64 of BNS) 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.*

Notice of motion for 12.09.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to

2024:PHHC:119980



them during the course of day.

Learned counsel for the petitioners undertakes to secure presence of respondent No.2 at the time of recording the statement.

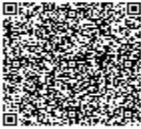
In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial 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.

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

3. 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.

4. 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.)***

2024:PHHC:119980



1052, this petition is allowed and FIR No.173 dated 09.07.2024 under Sections 115, 333, 64(2)(m) of BNS, registered at Police Station Chhachhrauli, District Yamuna Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

12.09.2024
vishnu

[**HARPREET SINGH BRAR**]
JUDGE

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