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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41312-2024
Date of decision: 30.09.2024

GURSEWAK SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Ms. Ramandeep Kaur, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.86 dated 04.07.2024 under Section 69 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 31.07.2024 (Annexure P-2).

2. The following order was passed on 28.08.2024 :-

“This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.86 dated 04.07.2024 under Section 69 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 31.07.2024 (Annexure P-2). First petition was dismissed as withdrawn on 06.08.2024.

Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.2 were having consensual relationship and due to some misunderstanding, FIR (supra) was



registered against the petitioner. Now respondent No.2 has effected a compromise with the petitioner and both of them have settled their dispute amicably. 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 (Crl.) 497**, to contend that FIR under Section 376 of IPC (now Section 69 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.

Learned counsel for the petitioner further submits that since the petitioner is presently confined in Central Jail, Ludhiana, his statement may be recorded through video conferencing.

Notice of motion for 30.09.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Ms. Ramandeep Kaur, Advocate accepts notice for respondent No.2 and files her Vakalatnama, which is taken on record. 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.

As requested by learned counsel for the petitioner, learned trial Court is directed to record statement of the petitioner in support of the compromise through video conferencing, however, subject to deposit of Rs.5,000/- as cost, with the Poor Patient Welfare Fund, PGIMER, Chandigarh.

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.) 1052*, this petition is allowed and FIR No.86 dated 04.07.2024 under Section 69 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

September 30, 2024
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(HARPREET SINGH BRAR)
JUDGE

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