



**CRM-42840-2024 in/and
CRM-M-42285-2024**
Date of Decision: 04.11.2024

...Petitioners

...Respondents

Present: Mr. Vijay Lath, Advocate
for the applicants-petitioners.

Mr. Lovish Rattan, Advocate
for respondent No.2.

CRM-42840-2024

The instant application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking addition of Sections 317(2), 3(5) of the BNS, 2023 in the head note as well as prayer clause of the main petition.

It is stated that the above mentioned Sections of BNS were added later on at the time of presenting the challan and have not been mentioned in the headnote and prayer clause of the petition.

Notice in the application.

Mr. Rajinder Singh Bhatta, DAG, Punjab accepts notice on behalf of the State.

In view of the reasons mentioned the application, same is allowed.

Accordingly, Sections 317(2), 3(5) of the BNS, 2023 are ordered to be written in the headnote as well as prayer-clause of the main petition.

Registry is directed to do the needful.

Main case

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.159 dated 10.08.2024 under Sections 127(2)/309(4)/331(3)/351(2) of BNS, 2023 (Sections 317(2), 3(5) of the BNS, 2023 were added later on) registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1) and all subsequent proceedings on the basis of compromise dated 26.08.2024 (Annexure P-2).
2. This Court, vide order dated 30.08.2024 had directed the parties to appear before the trial Court/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.
3. In compliance thereof, report dated 09.09.2024 from learned Chief Judicial Magistrate, Rupnagar has been received through the District & Sessions Judge, Rupnagar with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.
4. Learned counsel appearing on behalf of respondent No.2-complainant has not disputed the factum of compromise.
5. Learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.
6. I have heard learned counsel for the parties and have gone through the record.

7. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.159 dated 10.08.2024 under Sections 127(2)/309(4)/331(3)/351(2) of BNS, 2023 (Sections 317(2), 3(5) of the BNS, 2023 were added later on) registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.08.2024 (Annexure P-2).

04.11.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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