



CRM-M-47133-2024 (O&M)

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248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47133-2024 (O&M)

Date of decision: 21.10.2024

NARESH KUMAR @ VISHAL

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bharat Puri, Advocate
for the petitioner.
Mr. Sahil Sidharth Jain, Advocate for respondent No. 2.
Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. Instant petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita seeking quashing of the FIR No. 0076 dated
26.05.2024, registered under Sections 363 and 366 of Indian Penal Code at
Police Station Division No. 1 at District Police Commissionerate Jalandhar
(Annexure P-1) and all subsequent proceedings arising out of the same, on the
basis of compromise dated 10.09.2024 (Annexure P-2).

2. The following order was passed on 20.09.2024:

*“Instant petition has been filed under Section 528
of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the
FIR No. 0076 dated 26.05.2024, registered under Sections 363
and 366 of Indian Penal Code at Police Station Division No. 1
at District Police Commissionerate Jalandhar (Annexure P-1)
Women Cell SAS Nagar (Mohali) District SAS Nagar (Mohali)
and all subsequent proceedings arising out of the same, on the
basis of compromise dated 10.09.2024 (Annexure P-2).*

*Learned counsel for the petitioner submits that
there is no allegation with regard to any sexual assault on the
daughter of the complainant and FIR(supra) was registered
due to some misunderstanding and now the parties have
effected a compromise. Victim-prosecutrix has not alleged*



*anything against the petitioner in her statement recorded under Section 164 Cr.P.C. As such no useful purpose would be served by continuing the proceedings in the light of aforementioned facts. The prosecutrix-victim has not been impleaded as respondent as she is minor. However, her father has been impleaded as respondent No. 2. Learned counsel has placed reliance upon judgments passed by Co-ordinate Benches of this Court in CRM-M-6992-2019 decided on 20.11.2019 titled as **Amarjot Singh and Another Vs. State of Punjab and Another**, CRM-M-27364-2017 decided on 15.12.2020 titled as **Parveen Kumar @ Rocki and Ors. Vs. State of Punjab and Others**, CRM-M-41972-2021 decided on 21.12.2021 titled as **Ankit & Another Vs. State of Haryana and Others** and CRM-M-50422-2021 decided on 22.12.2021 titled as **Mohinder Singh and Another Vs. State of Punjab and Another**.*

Notice of motion returnable for 21.10.2024.

Mr. Sandeep Kumar, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. Sahil Sidharth Jain, Advocate has put in appearance on behalf of respondent No. 2 and filed power of attorney. Same is taken on record. Learned counsel for respondent No. 2 admits the factum of compromise.

Service is complete.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 21.10.2024.

A copy of this 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. 0076 dated 26.05.2024, registered under Sections 363 and 366 of Indian Penal Code at Police Station Division No. 1 at District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

October 21, 2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No