



235-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48256-2024
Date of decision: 12.12.2024

PULKIT AND OTHERS
V/S
STATE OF HARYANA AND OTHERS
...PETITIONERS
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR
Present: Mr. Sikandh Mehta, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG, Haryana.
Mr. Pankaj Bali, Advocate for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.195, dated
12.05.2020, under Sections 148, 149, 323, 325, 452, 506 of IPC, 1860,
registered at Police Station Sector 32-33, Karnal (Annexure P-1) and charge-
sheet dated 15.12.2021 (Annexure P-2) as well as subsequent proceedings
arising therefrom, on the basis of compromise dated 03.08.2024 (Annexure P-
3).

2. The following order was passed on 26.09.2024 :-

*“Present petition has been filed under section 528 of
Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR
No.195, dated 12.05.2020, under Sections 148, 149, 323, 325, 452,
506 of IPC, 1860, registered at Police Station Sector 32-33,
Karnal (Annexure P-1) and charge-sheet dated 15.12.2021
(Annexure P-2) as well as subsequent proceedings arising out from
the abovesaid FIR, on the basis of compromise dated 03.08.2024
(Annexure P-3).*



Learned counsel appearing on behalf of the petitioners has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Pankaj Bali, Advocate has filed his power of attorney on behalf of respondents No.2 & 3 today in the Court and the same is taken in record. He has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 12.12.2024.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 11.11.2024 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

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.195, dated 12.05.2020, under Sections 148, 149, 323, 325, 452, 506 of IPC, 1860, registered at Police Station Sector 32-33, Karnal (Annexure P-1) and charge-sheet dated 15.12.2021 (Annexure P-2) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

December 12, 2024
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(HARPREET SINGH BRAR)
JUDGE

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