



**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48804-2024

Date of Decision: 28.10.2024

Lokendra Kushwah

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Johan Kumar, Advocate and
Mr. S.K. Bhar, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Akshit Mehta, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.103 dated 19.07.2024 under Section 64(1) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station DLF-II, Gurugram, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit/compromise dated 17.08.2024 (Annexures P-2 & P-3).

2. The following order was passed on 27.09.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.103 dated 19.07.2024 under Section 64(1) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station DLF-II, Gurugram, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit/compromise dated 17.08.2024 (Annexures P-2 & P-3).

Learned counsel for the petitioner, inter alia, contends that due to some misunderstanding, FIR (supra) was registered at the instance

of respondent No.2. Now she 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 64 of BNS (earlier Section 376 of IPC) 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 28.10.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Akshit Mehta, Advocate accepts notice for respondent No.2 and files his 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.

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.103 dated 19.07.2024 under Section 64(1) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station DLF-II, Gurugram, District Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

28.10.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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