

**CRM-M-56334-2024 (O&M)****-1-****230 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-56334-2024 (O&M)****Date of Decision: 16.12.2024****BALDEV SINGH****...Petitioner****Versus****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. Sirat Sapra Advocate
for the petitioner.****Mr. Sandeep Kumar, DAG Punjab****Mr. Kartik Sachdeva, 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 (for short 'BNSS') seeking quashing of FIR No.133 dated 02.05.2020 under Sections 452, 323, 354, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) along with all subsequent proceedings arising therefrom, including challan and order dated 16.05.2023, vide which application under Section 319 of the Code of Criminal Procedure, 1973 (now Section 358 of BNSS) was allowed, on the basis of compromise dated 21.10.2024 (Annexure P-3).

2. The following order was passed on 14.11.2024:

"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No.133 dated 02.05.2020 under Sections 452, 323, 354, 148, 149 of the Indian Penal Code, 1860, registered at Police Station



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Sadar Fazilka, District Fazilka (Annexure P-1) along with all subsequent proceedings arising therefrom, including challan and order dated 16.05.2023, vide which application under Section 319 of the Code of Criminal Procedure, 1973 (now Section 358 of BNSS) was allowed, on the basis of compromise dated 21.10.2024 (Annexure P-3).

Learned counsel for the petitioner submits that all other accused except the petitioner have already approached this Court seeking quashing of FIR (supra) on the basis of compromise, by filing CRM-M-38151-2023 and the same was allowed vide order dated 05.12.2023 (Annexure P-4).

Notice of motion.

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 Mr. Kartik Sachdeva, 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 course of the day.

Service is complete.

Adjourned to 16.12.2024.

In the meanwhile, the parties are directed to appear before learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to learned 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 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. This Court has already quashed the FIR(supra) pertaining to three co-accused vide order dated 05.12.2023 passed in CRM-M-38151-2023 (Annexure P-4).

5. Thus, In view of the above and further in view of 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.133 dated 02.05.2020 under Sections 452, 323, 354, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) along with all subsequent proceedings arising therefrom, including challan and order dated 16.05.2023, vide which application under Section 319 of the Code of Criminal Procedure, 1973 (now Section 358 of BNSS) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

16.12.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No