



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

**CRM-M-979-2025 (O & M)
Date of decision: 06.02.2025**

HARSH ALIAS MANNA AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Taniya Vashist, Advocate for
Mr. S.S. Nain, Advocate for the petitioners.
Mr. Harkesh Kumar, AAG, Haryana.
Ms. Samiksha Sharma, Advocate for
Ms. Sweta, Advocate for respondent Nos.2 to 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS seeking quashing of FIR No.71 dated 15.04.2023 under Sections 323/34/452/506 of IPC registered at Police Station Naggal, District Ambala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 19.12.2024 (Annexure P-2).

2. The following order was passed on 13.01.2025 :-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At this stage, Ms. Ankita Ahuja, AAG, Haryana has put in appearance on behalf of respondent No 1-State of Haryana and accepts notice.



Ms. Sweta, Advocate has filed vakalatnama for respondents No. 2 to 4. The same be taken on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaqa Magistrate concerned on 16.01.2025 or any date thereafter as fixed by trial Court/Illaqa Magistrate for recording statement of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.



The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court before the next date of hearing i.e. 06.02.2025.

The petitioners shall also deposit costs of Rs.25,000/- with The Punjab and Haryana High Court Bar Clerks Association Chandigarh (Regd. No. 2441/1995) details whereof is as under :-

Bank Account No. : 65004775776

State Bank of India

IFC Code : SBIN0050306

High Court Branch, Chandigarh.

Payment of cost and production of receipt/proof thereof shall be condition precedent for recording of statement in the manner indicated above."

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. A perusal of the report indicates that respondent Nos.3 and 4 have not appeared before the Court concerned to depose in terms of compromise.

4. Learned counsel for the petitioners submits that respondent Nos.3 and 4 have been impleaded, as they were eye witnesses but not the victims. He further submits that respondent No.2/complainant has already appeared and got recorded his statement in support of the compromise.

5. 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 46, 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.71 dated 15.04.2023 under Sections 323/34/452/506 of IPC registered at Police Station Naggal, District Ambala (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

February 06, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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