



CRM-M-3098-2025 (O&M)

1

290(2) IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3098-2025 (O&M)
Date of Decision: 24.02.2025

LAKHWINDER SINGH @ SHIVJI AND OTHERS ...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amrit Pal Nahar, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of rapat No.35 dated 24.03.2024 (Annexure P-1) under Sections 323/324/341/506/148/149 of IPC registered at Police Station Hazipur, District Hoshiarpur registered as cross version case of FIR No.007 dated 10.02.2024 under Sections 341/323/148/149 of IPC (offence under Sections 324/308/325 of IPC added later on vide G.D. No.45 dated 12.02.2024) registered at Police Station Hazipur District Hoshiarpur (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 17.10.2024 (Annexure P-2).

2. The following order was passed on 22.01.2025:

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of rapat No.35 dated 24.03.2024 (Annexure P-1) under Sections 323/324/341/506/148/149 of IPC registered at Police Station Hazipur, District Hoshiarpur registered as cross version case of FIR No.007 dated 10.02.2024 under Sections 341/323/148/149 of IPC (offence under Sections 324/308/325 of IPC added later on vide G.D. No.45 dated 12.02.2024) registered at Police Station Hazipur District Hoshiarpur (Annexure P-1) along with all subsequent proceedings



arising therefrom on the basis of compromise dated 17.10.2024 (Annexure P-2).

Learned counsel for the petitioners submits that petitioners No.1, 2 & 4 are serving in Indian Army posted in far flung area and they are not in a position to present physically before the learned trial Court/Illaq Magistrate to record their statement regarding compromise. Therefore, a request for recording statement of petitioners No. 1, 2 & 4 through Video Conferencing is made.

Notice of motion for 24.02.2025.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day. Learned counsel for the petitioners undertakes to secure the presence of respondent No.2 before the learned trial Court at the time of recording the statement.

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.

In view of the above, the prayer made by counsel for the petitioners is allowed. Petitioners No. 1, 2 & 4 are allowed to record their statement through video conference before the learned jurisdictional Magistrate.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

To be heard along with CRM-M-3202-2025.”

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 and Shakuntala Sawhney (Mrs) Vs. Kaush-



alya (Mrs.) and others (1980) 1 SCC 63 and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and rapat No.35 dated 24.03.2024 (Annexure P-1) under Sections 323/324/341/506/148/149 of IPC registered at Police Station Hazipur, District Hoshiarpur registered as cross version case of FIR No.007 dated 10.02.2024 under Sections 341/323/148/149 of IPC (offence under Sections 324/308/325 of IPC added later on vide G.D. No.45 dated 12.02.2024) registered at Police Station Hazipur District Hoshiarpur (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

24.02.2025
Ajay Goswami

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