



**284-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-3498-2025
Date of decision: 05.03.2025**

PARVEJ AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akash Vashisth, Advocate
for the petitioners.

Mr. Harkesh Kumar, AAG, Haryana.

Mr. Gaurav Gupta, Advocate
for respondent Nos.2 to 9.

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.239 dated 16.11.2015 under Sections 148/149/285/323/452/506 of IPC and Section 25 of Arms Act (Sections 325/427/307 of IPC added later on) registered at Police Station Bahin District Palwal, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 25.11.2024 (Annexure P-2).

2. The following order was passed on 05.02.2025 :-

“xxx...xxx...xxx

This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.239 dated 16.11.2015 under Sections 148/149/285/323/452/506 of IPC and Section 25 of Arms Act (Sections 325/427/307 of IPC added later on) registered at Police Station Bahin District Palwal, Haryana (Annexure P-1) along with all subsequent



proceedings arising therefrom on the basis of compromise dated 25.11.2024 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that the factual ingredients attracting the offence under Section 307 of IPC are clearly missing. The injury on the basis of which offence under Section 307 of IPC is added is on the non-vital part and injury is mentioned on broken teeth of the injured/witness and at the most, it attracts Section 325 of IPC. He further submits that once the prima facie offence under Section 307 of IPC is not made out, there is no embargo on the quashing of the FIR (supra) on the basis of compromise and relies upon the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688. Further, both the injuries are on non-vital part and simple in nature.

Notice of motion for 05.03.2025.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No. 1-State and Mr. Gaurav Gupta, Advocate accepts notice for respondents No.2 to 9. He is directed to file his power of attorney on or before the next date of hearing. 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/Ilaga Magistrate within two weeks from today or any other date convenient to the trial Court/Ilaga Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Ilaga 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/Ilaga 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. Learned counsel for the petitioners submits that total seven persons were nominated as accused in the FIR (*supra*), out of which two accused namely, Abdul Raseed and Chander Bhan have already died. As such, all the accused have approached this Court seeking quashing of the FIR (*supra*) on the basis of compromise.

6. 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.239 dated 16.11.2015 under Sections 148/149/285/323/452/506 of IPC and Section 25 of Arms Act (Sections 325/427/307 of IPC added later on) registered at Police Station Bahin District Palwal, Haryana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

March 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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