



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

CRM-M-5234-2025
Date of decision: 07.03.2025

LOVEPREET SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akhilesh Vyas, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Sidhant Bhonsle, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0085 dated 20.10.2024 under Sections 118(2)/3(5) of BNS (Section 326/34 of IPC) registered at Police Station Mohkampura, District Police Commissionerate Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.12.2024 (Annexure P-2). Earlier one was dismissed as withdrawn vide order dated 17.01.2025 passed by this Court and liberty was granted to the petitioners to file fresh petition by impleading all the accused persons.

2. The following order was passed on 30.01.2025 :-

“This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0085 dated 20.10.2024 under Sections 118(2)/3(5) of BNS (Section 326/34 of IPC) registered at Police Station Mohkampura, District Police Commissionerate Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit dated 23.12.2024 (Annexure P-2). Earlier one was



dismissed as withdrawn vide order dated 17.01.2025 passed by this Court and liberty was granted to the petitioners to file fresh petition by impleading all the accused persons.

Notice of motion for 01.03.2025

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 and Mr. Varun Sharma, Advocate accepts notice for respondent No.2 and files his memorandum of appearance and admits to the factum of compromise. He is further directed to file 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/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. Perusal of the same indicates that two petitioners, namely, Ajit Singh and Lovepreet Singh did not come present before the jurisdictional Court to depose in terms of compromise, as they are residing abroad.

4. Learned counsel for respondent No.2 submits that respondent No.2 is the complainant and for quashing of FIR (*supra*), presence of respondent No.2 before the jurisdictional Court for recording statement and giving consent in terms of compromise is necessary, however, even if two of the petitioners did



not come present, on account of non-availability as they have gone abroad, FIR (*supra*) can be quashed. Further, remaining accused, investigating officer and respondent No.2 had already appeared before the jurisdictional Court and have recorded the statement in terms of compromise and respondent No.2 has no objection in case, the FIR (*supra*) be quashed qua all the accused.

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 in the peculiar facts and circumstances and FIR No.0085 dated 20.10.2024 under Sections 118(2)/3(5) of BNS (Section 326/34 of IPC) registered at Police Station Mohkampura, District Police Commissionerate Amritsar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

March 07, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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