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

CRM-M-7020-2025

Date of decision: 21.04.2025

Rakesh Kumar alias Micky and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Devinder Singh Dhanoa, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Jaswinder Singh, 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 seeking quashing of FIR No.315 dated 09.09.2024 under Sections 109/118(1)/3(5) of BNS registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.12.2024 (Annexure P-2).

2. On 19.02.2025, the following order was passed:-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.315 dated 09.09.2024 under Sections 109/118(1)/3(5) of BNS registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.12.2024 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that respondent No.2 has suffered a lacerated wound and according to the opinion of the doctor, the injury suffered by him is not dangerous to life, as such, the factual ingredients breaching the threshold of Section 109 of BNS (earlier Section 307 of IPC) are not attracted and once the prima facie offence under Section 109 of BNS (earlier 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.



Notice of motion for 20.03.2025.

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. Jaswinder Singh, Advocate accepts notice for respondent No.2 and admits to the factum of compromise. 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.

The learned State counsel has produced the MLR and the opinion of the doctor on record in compliance of order dated 06.02.2025 passed by this Court and the same is taken on record as Mark 'X'. Registry is directed to tag the same at an appropriate place in the file.

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. On 20.03.2025, the following order was passed:-

'Learned counsel for the petitioners submits that in compliance of order dated 19.02.2025, the parties could not appear before the learned Illaq Magistrate/trial Court for getting their statements recorded in support of the compromise, due to some unavoidable circumstances. The report dated 10.03.2025 has been received from the concerned Jurisdictional Magistrate in this regard. Learned counsel for the petitioners seeks one more opportunity to comply with the order dated 19.02.2025. Learned counsel for the petitioners submit that respondent No. 2 is residing out of station. Therefore, he prays that his statement be got recorded through video conferencing.

In the interest of justice, parties are again directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded in the same terms as mentioned in the order dated 19.02.2025 subject to payment of cost of Rs. 5,000/- to be deposited in PGIMER Poor Patient Welfare Fund, Chandigarh.

Learned trial Court/Illaq Magistrate is directed to record the statement of respondent No. 2 through video conferencing.

The receipt of payment of costs imposed must be presented before learned jurisdictional/Illaq Magistrate. The learned Court below is directed to record statements of the parties only upon verification of payment of said costs.

Report of learned Illaq Magistrate/trial Court be awaited for 21.04.2025.

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



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4. 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.

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 466** 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.315 dated 09.09.2024 under Sections 109/118(1)/3(5) of BNS registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

21.04.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No