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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10534-2024 (O&M)

Date of Decision: 24.03.2025

MAHABIR SINGH AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Barjinder Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Bhupinder K. Bhangu, Advocate for
Mr. Gagandeep Kaur, Advocate for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.164 dated 30.07.2024 under Sections 329(1), 132, 221, 351(2), 191 of Bhartiya Nyaya Sanhita, 2023 registered at Police Station Lopoke, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.01.2025 (Annexure P-2).

2. The following order was passed on 24.02.2025:

“This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.164 dated 30.07.2024 under Sections 329(1), 132, 221, 351(2), 191 of BNS, 2023 registered at Police Station Lopoke, District Amritsar Rural Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.01.2025 (Annexure P-2).

Learned counsel for the petitioners submits that a compromise has been effected between the parties and places reliance upon the judgment passed by Allahabad High Court in Vinod @ Gautam and another vs. State of U.P. and another in case bearing No.2531 of 2015 decided on 12.11.2024.

Notice of motion.

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At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Ms. Gagandeep Kaur, Advocate accepts notice for respondent No.2 and files her power of attorney, which is taken on record. She admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Adjourned to 24.03.2025.

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 recorded their statements 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.

4. Learned counsel for the petitioners *inter alia* contends that in view of judgment passed by Division Bench of this Court in **Vinod @ Boda and others vs. State of Haryana and others, 2017(1) RCR (Criminal) 571**, FIR (supra) registered under Sections 329(1), 132, 221, 351(2), 191 of BNS, 2023 can be quashed on the basis of 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 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.164 dated 30.07.2024 under Sections 329(1), 132, 221,



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351(2), 191 of Bhartiya Nyaya Sanhita, 2023 registered at Police Station Lopoke, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

24.03.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No