



CRM-M-11031-2025 (O&M)

1

281

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11031-2025 (O&M)

Date of Decision: 27.03.2025

PARDEEP KUMAR @ SURYA AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pushp Jain, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Tushar Garg, Advocate for
Mohd. Jameel, 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.0002 dated 05.01.2025 under Sections 115(2), 118(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Division No.2, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 04.02.2025 (Annexure P-2).

2. The following order was passed on 27.02.2025:

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0002 dated 05.01.2025 under Sections 115(2), 118(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Division No.2, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 04.02.2025 (Annexure P-2).

Notice of motion.

At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Mohd. Jameel, Advocate accepts notice for



CRM-M-11031-2025 (O&M)

2

respondent No.2 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during course of the day.

Service is complete.

Adjourned to 27.03.2025.

In the meanwhile, the parties are directed to appear before learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to learned trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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 this order be sent to learned trial Court/Illaqa 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 offence under Section 117(2) of Bhartiya Nyaya Sanhita 2023 has been added in the FIR(supra) during the course of investigation and petitioners were not aware about the same at the time of filing the present petition and the said fact has been realized by the petitioners when they appeared before the learned jurisdictional Court in terms of the order passed by this Court on 27.02.2025. Thus, he prays that offence under Section 117(2) of Bhartiya Nyaya Sanhita 2023 may be ordered to be added in the headnote and prayer clause of the present petition.

5. Allowed as prayed for. Registry is directed to make the necessary corrections.

**CRM-M-11031-2025 (O&M)****3**

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 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.0002 dated 05.01.2025 under Sections 115(2), 118(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, (Section 117(2) of Bhartiya Nyaya Sanhita 2023 added later on) registered at Police Station Division No.2, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

27.03.2025*Ajay Goswami**Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*