

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-17982-2025 (O&M)
Date of Decision: 05.05.2025

AMAN SAINI AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Narinder Sindher and Mr. Rajat Turka, Advocates
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Ajay Singh Pundir and Mr. Gagandeep Rana, Advocates
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 91 dated 19.03.2024 registered under Sections 407/420/120-B of Indian Penal Code at Police Station Dera Bassi District SAS Nagar, Mohali (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 06.04.2024 (Annexure P-2).

2. The following order was passed on 02.04.2025:

“This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.0091 dated 19.03.2024 under Sections 407/420/120-B of IPC registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2024 (Annexure P-2).

Notice of motion.

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. Gagandeep Rana, Advocate accepts notice for respondent No.2 and files his power of attorney, which is taken on record. He 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 05.05.2025.

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 and perusal of the said report indicates that complainant has appeared before the concerned jurisdictional Court for deposing in terms of the compromise, however, accused, who are petitioners, in the present case, have not appeared before the learned jurisdictional Court for getting their statements recorded in support of the compromise.

4. Learned counsel for complainant-respondent No. 2 submits that complainant has appeared before the jurisdictional Court and made his statement in terms of the compromise and the petitioners, who are accused, are not required to record their statements as consent of only respondent No. 2-complainant is relevant and necessary for compounding of offences and quashing of FIR and respondent No. 2 has not objection, in case FIR(supra) is quashed qua the petitioners on the basis of compromise.

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4. In view of the specific 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. 0091 dated 19.03.2024 registered under Sections 407/420/120-B of Indian Penal Code at Police Station Dera Bassi District SAS Nagar, Mohali (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

05.05.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No