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

CRM-M-18687-2025
Date of decision: 23.05.2025

Prabhdeep Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. G.S. Thind, 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 cross case registered vide Rapat No.26 dated 03.01.2018 under Sections 452/323/324/148/149 of IPC (Annexure P-1) in case bearing FIR No.284 dated 29.12.2017 under Sections 323/324/148/149 of IPC (Section 307 of IPC added later on) registered at Police Station Jandiala District Amritsar Rural (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.01.2025 (Annexure P-3).

2. On 05.04.2025, the following order was passed:-

'This petition has been filed under Section 528 BNSS, 2023 seeking quashing of cross-case bearing Rapat No.26 dated 03.01.2018 registered under Sections 452/323/324/148/149 IPC (Annexure P-1) in case bearing FIR No.284 dated 29.12.2017 under Sections 323/324/148/149 of IPC (Section 307 IPC added later on) registered at Police Station Jandiala, District Amritsar Rural (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.01.2025 (Annexure P-3).

Learned counsel for the petitioner inter alia contends that initially, 08 persons were nominated as accused, out of them, one person had died, five persons were acquitted and two persons including the petitioner, were declared proclaimed persons. The



order, vide which, the petitioner was declared as proclaimed person, has been set aside by this Court on 10.03.2025 in case bearing CRM-M-12864 of 2025 titled as Parbhdeep Singh vs. State of Punjab and another. He submits that it is a case of version and cross version and admittedly, the injury suffered by the complainant and the injured witness is on non-vital part of the body, which is not given by any deadly weapon. As such, no offence under Section 307 of Indian Penal Code is made out. Further, once, prima facie, offence under Section 307 IPC is not made out, the FIR (supra) can be quashed on the basis of compromise, in view of the judgment passed by the Hon'ble Supreme Court of India in case of The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688.

Notice of motion.

At this stage, on the asking of the Court, Mr. Nitesh Sharma, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day.

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.

Counsel for the petitioner is directed to ensure the presence of respondent No.2, at the time of recording the statement.”

3. The other accused, namely, Sukhjinder Singh, is not traceable and has been declared as proclaimed offender on 14.01.2020. However, the petitioner is the only accused who is facing trial and the compromise effected between the parties composite .

4. The complainant/respondent No.2 has no objection with regard to quashing of FIR (*supra*) on the basis of compromise against all the accused and respondent No.2 is ready to cooperate and appear before the learned trial Court in case co-accused, Sukhjinder Singh, who has been declared as proclaimed offender, filed a petition seeking quashing of the FIR (*supra*) on the basis of compromise.



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5. 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.

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 Rapat No.26 dated 03.01.2018 under Sections 452/323/324/148/149 of IPC (Annexure P-1) in case bearing FIR No.284 dated 29.12.2017 under Sections 323/324/148/149 of IPC (Section 307 of IPC added later on) registered at Police Station Jandiala District Amritsar Rural (Annexure P-2) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025

Neha

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