258 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23570-2025
Date of decision: 27.05.2025

HIMANSHU GARG

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tushar Kwatra, Advocate and
Mr. Shubham Aggarwal, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Sections 438/442 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.416 dated 28.10.2024 under Sections 318(4)/319 of BNS registered at Police Station Sector 27, Sonepat, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit/compromise dated 08.01.2025 (Annexure P-2).

2. The following order was passed on 05.05.2025 :-

"This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Sections 438/442 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.416 dated 28.10.2024 under Sections 318(4)/319 of BNS registered at Police Station Sector 27, Sonepat, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit/compromise dated 08.01.2025 (Annexure P-2).

Notice of motion for 27.05.2025.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the

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course of day. Learned counsel for the petitioner undertakes to secure the presence of respondents No.2 to 5 before the learned trial Court at the time of recording the statement.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the 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 the 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. 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 46,*** 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.416 dated 28.10.2024 under Sections 318(4)/319 of BNS registered at Police Station Sector 27, Sonepat, Haryana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner as well as respondent Nos.3 to 5, who are also accused in the present FIR.

(HARPREET SINGH BRAR)
JUDGE

May 27, 2025
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(i) Whether speaking/reasoned Yes/No
(ii) Whether reportable Yes/No

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