



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

CRM-M-38346-2024
Date of decision: 13.01.2025

AMIT KUMAR AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishab Garg, Advocate for the petitioners.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.
Mr. Varshit Garg, Advocate for respondent Nos.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. The prayer in the present petition under Section 528 BNSS is for quashing of an FIR No.119 dated 22.05.2018 (Annexure P-1) registered under Sections 147, 149, 323, 452, 506, 509 IPC at Police Station Bhondsi, District Gurugram (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 29.07.2024 (Annexure P-2) entered into between the parties.

2. The following order was passed on 08.08.2024 :-

“The prayer in the present petition under Section 528 BNSS is for quashing of an FIR No.119 dated 22.05.2018 (Annexure P-1) registered under Sections 147, 149, 323, 452, 506, 509 IPC at Police Station Bhondsi, District Gurugram and all other consequential proceedings arising therefrom, on the basis of compromise dated 29.07.2024 (Annexure P-2) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 29.07.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.



Mr. Parveen Aggarwal, DAG, Haryana who is present in Court accepts notice on behalf of respondent No.1-State. Mr. Varshit Garg, Advocate accepts notice on behalf of respondent Nos.2 & 3 and has filed his Vakalatnama. The same is taken on record. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 13.01.2025.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement on 21.10.2024 with regard to the compromise/settlement dated 29.07.2024 (P-2) by moving an appropriate application or by presenting this order.

The Trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated format:-

- 1. Number of persons arrayed accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate.”



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 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.119 dated 22.05.2018 (Annexure P-1) registered under Sections 147, 149, 323, 452, 506, 509 IPC at Police Station Bhondsi, District Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

January 13, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |