



CRM-M-2503-2025 (O&M)

-1-

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

**CRM-M-2503-2025 (O&M)
Date of Decision: 18.02.2025**

RACHHPAL SINGH @ PAPPAL AND ANOTHER ...Petitioners

V/S

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Judgepreet Singh Warring, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Kamal Gupta, Advocate and
Mr. Sanish Girdhar, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. This third petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.303 dated 04.12.2020 under Sections 307/341/336/506/34 of IPC and Sections 25/27 of Arms Act, 1959 registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) on the basis of compromise dated 22.11.2022 (Annexure P-4). Earlier two petitions were dismissed as withdrawn vide order dated 28.08.2023 and 14.02.2024 (Annexures P-6 & P-7, respectively).

2. The following order was passed on 18.01.2025:

“This third petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.303 dated 04.12.2020 under Sections 307/341/336/506/34 of IPC and Sections 25/27 of



Arms Act, 1959 registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) on the basis of compromise dated 22.11.2022 (Annexure P-4). Earlier two petitions were dismissed as withdrawn vide order dated 28.08.2023 and 14.02.2024 (Annexures P-6 & P-7, respectively).

Learned counsel for the petitioners submits that the jurisdictional police authorities have invoked the provisions of Section 307 of IPC without any justifiable reason. The factual ingredients of Section 307 of IPC are notailable, as such, prima facie offence under Section 307 of IPC is not made out. The petitioner has filed the first petition i.e. CRM-M-12509-2023 (Annexure P6) in which the status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), has been filed on behalf of respondent No.1-State, wherein, it was mentioned that the investigation of the case is pending and on this ground, this Court on 28.08.2023, granted liberty to the petitioner to approach this Court at a subsequent stage and the petition was dismissed as withdrawn. Thereafter, the petitioner has filed another petition on 14.02.2024 (Annexure P-7) and the learned State counsel on instructions from the Investigating Officer informed the Court that the final report is ready and shall be filed within a week. As such, on this ground, CRM-M-64171-2023 was allowed to be dismissed as withdrawn on 14.02.2024 (Annexure P-7) and liberty was granted to the petitioner to file fresh petition after presentation of final report. As such, since almost one year has passed, the jurisdictional police authorities are sitting over the matter and failed to perform their statutory duty and has not filed final report till date in spite of the fact that the FIR (supra) was registered in the year 2020. He further submits that once the prima facie offence under Section 307 of IPC is not made out, there is no embargo on the quashing of the



FIR (supra) on the basis of compromise and relies upon the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688. Further, both the injuries are on non-vital part and simple in nature.

Notice of motion for 18.02.2025.

At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Kamal Gupta, Advocate accepts notice for respondents No.2 & 3 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

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.

However, the Senior Superintendent of Police, Amritsar (Rural) is directed to file his affidavit in view of the facts and circumstances of the case why the Investigating Officer has not filed final report in spite of his submission before this Court on 14.02.2024 that final report is ready and will be filed within week.

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



CRM-M-2503-2025 (O&M)

-4-

between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Affidavit of Charanjit Singh, IPS Senior Superintendent of Police, District Amritsar (Rural) has been filed on behalf of respondent No. 1-State of Pujab. Same is taken on record.

5. 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.303 dated 04.12.2020 under Sections 307/341/336/506/34 of IPC and Sections 25/27 of Arms Act, 1959 registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

18.02.2025
Ajay Goswami

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