



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

CRM-M-39284-2024
Date of decision: 17.02.2025

GURDHAIN SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nimanyu Gautam, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Rohit Kumar, Advocate for
Ms. Ishita Negi, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.149 dated 22.07.2024, registered under Sections 115(2), 126(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Nabha, District Patiala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2024 (Annexure P-2).

2. The following order was passed on 13.08.2024 :-

“Petitioner-Gurdhain Singh filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.149 dated 22.07.2024, registered under Sections 115(2), 126(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Nabha, District Patiala and all the subsequent proceedings arising therefrom, qua the petitioner, in light of the compromise dated 04.08.2024 effected between the parties (Annexure P-2).

Notice of motion.



On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State.

Mr. Surender Kumar Sharma, Advocate for Ms. Ishita Negi, Advocate appeared on behalf of respondent No.2 and filed vakalatnama, which is taken on record.

Let the statements of petitioners and respondent No.2 be recorded with regard to the compromise on or before 16.09.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report i.e.

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 01.10.2024.

Status report be filed by respondent–State by the adjourned date.”

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.149 dated 22.07.2024, registered under Sections 115(2), 126(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Nabha, District Patiala (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

February 17, 2025
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(HARPREET SINGH BRAR)
JUDGE

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