305 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46429-2024
Date of decision: 22.01.2025

RAJ RISHI PANDEY

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sulochana Borak, Advocate for
Mr. Harsh Chopra, Advocate for the petitioner.

Mr. Harkesh Manuja, AAG, Haryana.

Ms. Komal Balain, Advocate for respondent No.2.

****

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No.80 dated 01.03.2024 under Sections 406/427 of IPC, 1860(Section 427 IPC added vide CRM-39749 of 2024) registered at Police Station DLF Phase-1, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.08.2024 (Annexure P-2).

2. The following order was passed on 30.09.2024 :-

"xxx…xxx…xxx

Main case

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No.80 dated 01.03.2024 under Sections 406/427 of IPC, 1860 registered at Police Station DLF Phase-1, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.08.2024 (Annexure P-2) arrived at between the parties.

Notice of motion for 12.9.2024.

Notice of motion.

MANISHA
2025.01.27 11:59
I attest to the accuracy and
authenticiy of this
order/judgment

At the asking of the Court, Mr. Karan Sharma, DAG, Haryana appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him during the course of the day.

Ms. Komal Balain, Advocate puts in appearance on behalf of respondent No.2 and seeks time to file Power of Attorney in the Registry. She affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise by moving an application or presenting this order. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

(i) how many total accused are facing the trial;

(ii) whether challan is presented in the Court? If so, against how many accused;

(iii) whether any of the accused was declared proclaimed offender at any stage of trial;

(iv) status/stage of the trial/case;

(v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above. Report be sent through the District & Sessions Judge, before the next date of hearing.

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 22.01.2025.

The petitioners shall deposit costs of Rs.10,000/- with the concerned District Legal Services Authority on or before the date of recording of their statements and produce copy of receipt before the trial Court/Illaqa Magistrate."

MANISHA
2025.01.27 11:59
I attest to the accuracy and
authenticiy of this
order/judgment

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.80 dated 01.03.2024 under Sections 406/427 of IPC, 1860(Section 427 IPC added vide CRM-39749 of 2024) registered at Police Station DLF Phase-1, District Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

January 22, 2025
manisha

(i) Whether speaking/reasoned Yes/No

(ii) Whether reportable Yes/No

MANISHA
2025.01.27 11:59
I attest to the accuracy and
authenticiy of this
order/judgment