



244

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

CRM-M-46673-2024

Date of Decision: **07.01.2025**

Lakshay Nayak @ Laks and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Malkiat S. Hundal, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Puri Khokhar, Advocate for

Ms. Aarushi Garg, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.109 dated 07.06.2024, under Sections 323, 324, 379, 34 of IPC registered at Police Station Islamabad, Police Commissionerate Amritsar (Annexure P-1/T) on the basis of compromise dated 02.07.2024 (Annexure P-2).

2. The following order was passed by this Court on 19.09.2024:-

“The prayer in the present petition filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 is for quashing of FIR No.109, dated 07.06.2024, under Sections 323, 324, 379, 34 of IPC registered at Police Station Islamabad, Police Commissionerate Amritsar (Annexure P-1/T) on the basis of compromise dated 02.07.2024 (Annexure P-2/T).

Notice of motion.

At the asking of the Court, Ms. Manjot Kaur, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State.

Appearance has also been caused by Ms. Aarushi Garg, Advocate on behalf of respondent No.2 and has filed Power of Attorney

in Court today, which is taken on record. She affirms the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaq Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to the trial Court/Illaq Magistrate but not later than six days thereof, however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with All India Pingalwara Charitable Society, Amritsar. A receipt thereof shall be produced before the concerned Magistrate before recording the statements.

The 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.

Adjourned to 18.12.2024.”

3. In compliance of the aforementioned order, a report has been received from the concerned jurisdictional Court stating that the compromise entered into by the parties is genuine and the same was arrived at without any pressure or coercion from anyone.

4. In view of the compromise dated 02.07.2024 (Annexure P-2) 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, the present petition is allowed and FIR No.109 dated
07.06.2024, under Sections 323, 324, 379, 34 of IPC registered at Police
Station Islamabad, Police Commissionerate Amritsar (Annexure P-1/T) and all
subsequent proceedings arising out of the same are quashed qua the petitioners.

07.01.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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