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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48131-2024 (O&M)
Date of Decision: 29.01.2025

SAHIL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saurav Bhatia, Advocate, Mr. Manjot Khokhar, Advocate and
Mr. Preet Kamal Uppal, Advocate for the petitioners.

Mr. Harkesh Kumar, AAG Haryana.

Mr. Kuljinder Singh Billing, Advocate for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. Prayer in this petition filed under Section 528 of BNSS 2023 is for quashing of FIR No. 421 dated 26.08.2023 under Sections 306 and 34 of IPC registered at Police Station Sadar Nuh, District Nuh (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3).

2. The following order was passed on 04.10.2024:

“Prayer in this petition filed under Section 528 of BNSS, Act 2023 is for quashing of FIR No.421 dated 26.08.2023 under Sections 306 and 34 of IPC registered at Police Station Sadar Nuh, District Nuh (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3).

2. *In compliance to order dated 26.09.2024, status report dated 03.10.2024 has been filed by learned State counsel, in Court today, which is taken on record. A copy thereof has been handed over to the counsel for the parties.*

3. *Learned counsel for the petitioner submits that the present case was registered at the behest of the complainant with the allegations that the petitioner had forced his son to commit*

suicide. He also submits that with the intervention of the parties, a compromise has been effected between the petitioner and respondent No.2. He has placed reliance upon the judgments rendered by this Court vide orders dated 27.04.2023, 18.05.2023, 24.11.2023, 04.05.2022 and 29.08.2023 passed in CRM-M-52099-2018, CRM-M-43569-2022, CRM-M-23015-2021, CRM-M-29142-2021 and CRM-M-19129-2023.

4. *In view of the above, the parties are directed to appear before the Illaqa Magistrate/trial Court on 16.10.2024 or any other date convenient to the Court concerned, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-*

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2 the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*

5. *Report of the Illaqa Magistrate/Trial Court be awaited for 26.11.2024.”*

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. Learned counsel for the petitioners submits that prima facie no offence under Section 306 of Indian Penal Code is made out in the present case and the case of the petitioners is squarely covered by the ratio of law passed by

Co-ordinate Bench of this Court in ***Satish Kumar Bhargav and others Vs. State of***

others Vs. State of Punjab and another, CRM-M-13053-2017 decided on 22.08.2019, Amar Nath Vs. State of Punjab and another, CRM-M-12158- 2018 decided on 09.05.2019 and Nirmaljit Singh and others Vs. State of Punjab and another, CRM-M-50641-2021 decided on 10.04.2023.

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. Kaush-alya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kul-winder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and FIR No.421 dated 26.08.2023 under Sections 306 and 34 of IPC registered at Police Station Sadar Nuh, District Nuh (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No