



CRM-M-49428-2024 (O&M)

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295 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-49428-2024 (O&M)

Date of Decision: 18.02.2025

REKHA AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Kumar Pandey, Advocates
for the petitioners.

Mr. Harkesh Kumar, AAG Haryana

Ms. Geeta Rani, Advocate
for respondents No. 2 to 5.

HARPREET SINGH BRAR J. (Oral)

1. Petitioners have filed petition under Section 528 of BNSS, 2023 for quashing of FIR No. 0464 dated 30.07.2024 registered under Sections 115, 118(1), 3(5), 351(3) of BNSS 2023 and Sections 3(2)(va) of SC/ST Act 1989 Amendment 2015, at Police Station Rohtak City (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.09.2024 (Annexure P-2).

2. The following order was passed on 01.10.2024:

“The petitioners seek quashing of FIR dated 30.07.2024 (Annexure P-1) registered at Police Station, Rohtak City and all consequential proceedings emanating therefrom on the basis of compromise having been effected between the parties.

Notice of motion for 18.02.2025.



At this stage, Mr. Anand, Advocate has put in appearance on behalf of respondents No.2 to 5 and has filed Power of Attorney, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioner, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next 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.



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4. In view of the specific stand taken by learned counsel for the petitioners and in view of 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 (CrI.) 1052**, this petition is allowed and FIR No. 0464 dated 30.07.2024 registered under Sections 115, 118(1), 3(5), 351(3) of BNSS 2023 and Sections 3(2)(va) of SC/ST Act 1989 Amendment 2015, at Police Station Rohtak City (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

18.02.2025

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>