



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

Date of Decision: 31.01.2025

...Petitioners

...Respondents

“Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of FIR No.0128, dated 24.06.2021, under Sections 323, 324, 506, 148, 149 of IPC, later on 325 & 326 IPC added, at Police Station Mukerian,

District Hoshiarpur along with all subsequent proceedings arising therefrom, on the basis of compromise dated 17.09.2024 (Annexure P-3) arrived at between the parties.

Notice of motion.

At the asking of the Court, Mr. R. S. Bhatta, DAG, Punjab, appears and accepts notice on behalf of respondent No.1-State.

Let a copy of the paper book be supplied to him during the course of the day.

Appearance has also been caused by Mr. Vishal Munjal, Advocate, on behalf of respondent No.2 and has filed his vakalatnama in Court today, which is taken on record. He 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 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 the concerned District Legal Services Authority. 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 31.01.2025.”

3. In compliance of the above 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 466, 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.128, dated 24.06.2021, under Sections 323, 324, 506, 148, 149 of IPC (Sections 325 & 326 of IPC were added later on), registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

31.01.2025

Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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