



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

CRM-M-55481-2024
Date of decision: 05.03.2025

MOHIT AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Namit Khurana, Advocate for the petitioners.

Mr. Harkesh Kumar, AAG, Haryana.

Ms. Lalita Kashyap, Advocate for

Mr. Vikas Dhaurra, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.284 dated 10.11.2023 under Sections 34/307/323/324/452/506 of IPC (Section 326 IPC added later on) registered at Police Station Radaur, District Yamuna Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 02.09.2024 (Annexure P-2).

2. In compliance of order passed by this Court on 05.02.2025, learned State counsel on instructions from ASI Virender Singh, submits that opinion of the doctor has been obtained with regard to nature of injury, which has been declared as simple in nature.

3. The following order was passed on 05.02.2025 :-

“Reply by way of affidavit of even date of Ashish Chaudhry, HPS, Deputy Superintendent of Police, Radaur, District Yamuna Nagar on behalf of respondent No.1-State has been filed. The same is taken on record.



Learned State counsel on instructions from ASI Varinder Kumar, submits that injury No.5 recorded in the MLR is inflicted with a sharp edged weapon on the left side of the head of the injured Surinder Kumar and opinion with regard to the injury being dangerous to life has been awaited till date and offence under Section 307 IPC has not been incorporated on the basis of investigation carried out. The FIR (supra) was initially registered under Section 307 of Indian Penal Code without there being any basis.

*On the other hand, learned counsel for the petitioners submits that all the injuries suffered by the petitioners are simple in nature except injury No.3, which is on the left arm and injury No.3 is declared grievous in nature as prima facie, the offence under Section 307 of Indian Penal Code is not made out as the factual ingredients attracting the offence are missing. He relies upon the judgment passed by the Hon'ble Supreme Court of India in case of **The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688.***

List on 05.03.2025.

Meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 05.03.2025.

In the meantime, the investigating officer is directed to obtain the opinion of the doctor with regard to injury No.5.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance."

4. 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.



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 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.284 dated 10.11.2023 under Sections 34/307/323/324/452/506 of IPC (Section 326 IPC added later on) registered at Police Station Radaur, District Yamuna Nagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

March 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |