

2025:PHHC-000749



250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58260-2024

Date of Decision: **07.01.2025**

Dorothy Howell and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Sekhon, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. B.S. Aulakh, Advocate and

Mr. B.S. Saini, Advocate, Advocate for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of FIR No.39 dated 19.04.2018 under Sections 451/323/148/149 of IPC, 1860 registered at Police Station Cantt. Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise dated 04.08.2018 (Annexure P-2).

2. Learned counsel for the petitioners submits that the petitioners had earlier approached this Court by filing CRM-M-21950-2024 and a Co-ordinate Bench of this Court had directed the parties to record their statements. However, the statement of respondent No.3 was not recorded and as such on 16.09.2024 vide (Annexure P-3) the said petition was dismissed but the petitioners were granted liberty to file a fresh petition. It was further directed that there would be no necessity to re-examine the complainant-victim and the accused, whose respective statements already stand recorded and that the

copies of the statements, along with report, would suffice.

3. Thereafter, the present petition was filed and a Co-ordinate Bench passed the following order on 25.11.2024:-

“The petitioners arraigned as accused in the FIR captioned below have come up before this Court under Section 528 BNSS to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Notices served upon the official respondent through the State's counsel. In case the State wants to file its response, they must do so positively before the next date. The counsel appearing for the private respondent(s) states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on 02.12.2024 for getting their statements recorded about the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the copies of the statements and the report in the following format, preferably before the next date fixed in this court:

Name of the reporting Court			
FIR No.	Dated	Police Station	Sections
39	19.04.2018	Cantt. Ferozepur, District Ferozepur	451/323/148/149 of IPC
Criminal case No. before trial Court			

1.	Names of the complainant/victim(s)/aggrieved person(s)	
2.	Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded	
3.	Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?	Yes/No
4.	Whether all the victims/all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	

7.	Dates on which the statement(s) of the accused person(s) recorded	Yes/No
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether the Court is satisfied with the genuineness of the compromise?	Yes/No

There is no need to re-examine the complainant-victim and the accused whose statements have already been recorded.

There would be no need for a certified copy of this order, and any Advocate for the petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.”

4. 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 the same was 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 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**, this petition is allowed and FIR No.39 dated 19.04.2018 under Sections 451/323/148/149 of IPC, 1860 registered at Police Station Cantt. Ferozepur, District Ferozepur 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