



305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56576-2024
Date of decision: 16.01.2025

ANWAR SINGH ALIAS SONU AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Kharbanda, Advocate for the petitioners.
Mr. Nitesh Sharma, DAG, Punjab.
Mr. Davinder Kumar, Advocate for
Mr. Anirudh Gupta, Advocate for respondent Nos.2 to 6.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS seeking quashing of FIR No.0115 dated 11.06.2023, under Sections 452, 323, 506, 148 and 149 of the IPC, 1860, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 20.02.2024 (Annexure P-2).

2. Mr. Anirudh Gupta, Advocate has put in appearance on behalf of respondent Nos.2 to 6 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. The following order was passed on 18.11.2024 :-

“Through the instant petition, filed under Section 528 of the BNSS, 2023, a prayer is made for quashing of FIR No.0115 dated 11.06.2023, under Sections 452, 323, 506, 148 and 149 of the IPC, 1860 (Annexure P-1), registered at Police Station Ajnala, District Amritsar Rural, and all subsequent proceedings emanating therefrom, on the basis of compromise dated 20.02.2024 (Annexure P-2).

Learned counsel for the petitioners submits that it is a complete compromise qua all the parties concerned.



Notice of motion.

Mr. Pardeep Bajaj, learned DAG, Punjab, waives service and accepts notice on behalf of the respondent-State of Punjab, and submits that there is no other accused in the instant FIR, and has admitted the fact that the matter has been settled between all the parties concerned, and it is a complete compromise. Mr. Amandeep Singh, Advocate, records his appearance under memo of appearance on behalf of the respondents No.2 to 6, in Court today, accepts notice and undertakes to file his validly executed vakalatnama, before the Registry of this Court. He submitted that he has no objection, in case the FIR (supra), is quashed on the basis of compromise (supra). In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, within one month from today to get their respective statements recorded regarding the compromise and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition, specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

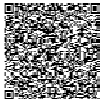
It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding compromise.

To come up on 16.01.2025.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate 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.0115 dated 11.06.2023, under Sections 452, 323, 506, 148 and 149 of the IPC, 1860, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

January 16, 2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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