



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

CRM-M-57984-2024
Date of decision: 23.01.2025

RAJESH KUMAR ALIAS RAJESH DESHWAL AND OTHERS
...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagmohan Ghumman, Advocate
for the petitioners.

Mr. Harkesh Kumar, AAG, Haryana.

Mr. Neeraj Jain, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.325 dated 26.09.2015 registered under Sections 353, 506, 452, 147, 148, 149, 186 IPC and Sections 54, 59, 27 of Arms Act, 1959 at Police Station Sector 17/18, District Gurugram (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 25.10.2024 (Annexure P-2).

2. The following order was passed on 21.11.2024 :-

“Prayer in this petition filed under Section 528 of BNSS, 2023 is for quashing of FIR No.325 dated 26.09.2015 registered under Sections 353, 506, 452, 147, 148, 149, 186 IPC and Sections 54, 59, 27 of Arms Act, 1959 at Police Station Sector 17/18, District Gurugram (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 25.10.2024 (Annexure P-2).

Notice of motion.



Upon advance notice, Mr. Gaurav Bansal, DAG Haryana accepts notice on behalf of respondent No.1/State and Mr. Gagandeep Singh Gill, Advocate for Mr. Neeraj Jain, Advocate has put in appearance on behalf of respondent No.2 and files his Vakalatnama. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties are directed to appear before the Illaqa Magistrate/trial Court and get their statements recorded with regard to the compromise on 27.11.2024. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 23.01.2025.”

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.

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 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



147, 148, 149, 186 IPC and Sections 54, 59, 27 of Arms Act, 1959 at Police Station Sector 17/18, District Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

January 23, 2025
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(HARPREET SINGH BRAR)
JUDGE

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