

CRM-M-59212-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59212-2024 (O&M)

Date of Decision: 29.01.2025

PARVEEN KUMAR AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lekh Raj Nandal, Advocate
for the petitioners.

Mr. Harkesh Kumar, AAG Haryana

Mr. Manoj Makkar, Advocate
for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. Through the instant petition, filed under Section 528 of the BNSS, a prayer is made for quashing of FIR No.314 dated 15.07.2020 (Annexure P-1), under Sections 148, 149, 323, 324 and 506 of the IPC, 1860 (Section 325 of IPC, added later on), registered at Police Station Kharkhoda, District Sonipat, and all subsequent proceedings emanating therefrom, on the basis of compromise deed dated 11.03.2024 (Annexure P-2).

2. The following order was passed on 03.12.2024:

“Through the instant petition, filed under Section 528 of the BNSS, a prayer is made for quashing of FIR No.314 dated 15.07.2020 (Annexure P-1), under Sections 148, 149, 323, 324 and 506 of the IPC, 1860 (Section 325 of IPC, added later on), registered at Police Station Kharkhoda, District Panipat, and all subsequent proceedings emanating therefrom, on the basis of compromise deed dated 11.03.2024 (Annexure P-2).

Learned counsel for the petitioners submits that though five persons have been nominated as an accused, in the FIR (supra), however, Nanha son of Dayal, was declared inno-

cent, by the prosecution agency, and the final report was filed only qua the four persons.

Notice of motion.

Mr. Rajesh Gaur, Addl. AG, Haryana, waives service and accepts notice on behalf of the respondent-State, and submits that there is no other accused in the instant FIR, and has admitted the fact that the matter has now been settled between all the parties concerned, and it is a complete compromise. Mr. Manoj Makkar, Advocate appeared on behalf of the respondent No.2, and has filed memo of appearance, today in the Court, which is taken on record, and undertakes to file his vakalat-nama, with the Registry of this Court, before the next date of hearing. 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 29.01.2025.

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

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 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 (CrI.) 1052**, this petition is allowed and FIR No.314 dated 15.07.2020 (Annexure P-1), under Sections 148, 149, 323, 324 and 506 of the IPC, 1860 (Section 325 of IPC, added later on), registered at Police Station Kharkhoda, District Sonipat along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No