

CRM-M-61471-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61471-2024 (O&M)

Date of Decision: 29.01.2025

BALVIR KUMAR @ BALBIR KUMAR AND OTHERS ...Petitioners

Versus

STATE OF PUJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bikramjit Singh Randhawa, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Inderpal Singh, Advocate for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. Through the second petition filed under Section 528 of BNSS, 2023, prayer is made for quashing of FIR No.182, dated 15.12.2017, under Sections 452, 323, 506, 148 and 149 of the IPC (Section 201 IPC added later on), registered at Police Station Nangal, Disrtict Rupnagar (Annexure P-1), and all the other consequential proceedings arising therefrom, including the judgement of conviction and order of sentence dated 10.10.2023 (Annexure P-2), on the basis of compromise dated 11.11.2024 (Annexure P-3).

2. The following order was passed on 09.12.2024:

“The earlier petition filed by the present petitioners, was dismissed as withdrawn, with liberty to re-access this court with better particulars.

Through the second petition filed under Section 528 of BNSS, 2023, prayer is made for quashing of FIR No.182, dated 15.12.2017, under Sections 452, 323, 506, 148 and 149 of the IPC (Section 201 IPC added later on), registered at Police Station Nangal, Disrtict Rupnagar (Annexure P-1), and all the other consequential proceedings arising therefrom, including the judgement of conviction and order of sentence dated 10.10.2023

(Annexure P-2), on the basis of compromise dated 11.11.2024 (Annexure P-3).

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1, and waives service.

Mr. Inderpal Singh, Advocate, has caused appearance on behalf of respondent No.2, through a validly executed power of attorney in his favour. The same is taken on record. 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, to get their respective statements recorded regarding 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 no.2, should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.

The petitioners are burdened with a cost of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

To come up on 29.01.2025.

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.”

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, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 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.182 dated 15.12.2017, under Sections 452, 323, 506, 148 and 149 of the IPC (Section 201 IPC added later on), registered at Police Station Nangal, Disrtict Rupnagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

28.01.2025
Ajay Goswami

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