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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 21.01.2025

Rajender and Ors.

..... Petitioners

V/S

State of Haryana and Ors.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vikas Gulia, Advocate for petitioners.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Vishal Yadav, Advocate for respondents No.2 to 4.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Rajender, Pinki, Nikki Dahiya, Rekha, Sagar, Ankur Mehla and Akash have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.79 dated 23.07.2021, under Sections 148, 149, 323, 354, 452, 506 of IPC (Sections 180, 325, 354-B, 395 of IPC were added later on), registered at Police Station Sector 27, Sonipat, District Sonipat and all subsequent proceedings arising therefrom on the basis of compromise dated 26.11.2024 (Annexure P-2).

2. As per the facts of the case, complainant Poonam filed written complaint alleging that she is a married lady having two children. On 23.07.2021 at about 1:20/1:30 PM, their neighbour Rajender, his daughter, son and wife came to her house along with 12-15 unknown persons armed with weapons. She was abused and was caught hold by Rajender and his son and they outraged her modesty and also tried to undress her. In the meantime, she was saved by her husband Anil

Malik and brother Kuldeep Antil. They were also attacked with iron rods and sharp



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edged weapons. They received injuries. While leaving, wife of Rajender snatched her gold chain weight 2 ½ tolas. They were threatened with dire consequences. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 12.12.2024, petitioners and respondents No.2 to 4 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Additional District and Sessions Judge, Fast Track Court, Sonipat dated 23.12.2024. Statements of respondents No.2 to 4 have been recorded, where they confirmed the compromise with petitioners. They confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and they have no objection regarding quashing of FIR.

4. Petitioners- Rajender, Pinki, Nikki Dahiya, Rekha, Sagar, Ankur Mehla and Akash also confirmed this fact in their separate statements. Statement of SI Kuldeep is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Additional District and Sessions Judge, Fast Track Court, Sonipat, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled all their claims. They are residents of same locality. They will be able to live in peace and harmony. It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.

6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained

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that ‘there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.’

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No. 79 dated 23.07.2021, under Sections 148, 149, 323, 354, 452, 506 of IPC (Sections 180, 325, 354-B, 395 of IPC were added later on), registered at Police Station Sector 27, Sonipat, District Sonipat and all consequential proceedings arising therefrom are quashed qua petitioners.

**(AMARJOT BHATTI)
JUDGE**

21.01.2025.*Sunil Devi*

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