



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

**CRM-M-63814-2024
Date of decision: 23.01.2025**

KARTIK KUMAR AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Kumar Garg, Advocate and
Mr. Rakesh Kumar Jangra, Advocate
for the petitioners.

Mr. Harkesh Kumar, AAG, Haryana.

Mr. Yuwan Singla, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in this petition filed under Section 528 of BNSS, 2023 is for quashing of FIR No.371 dated 21.08.2024 registered under Sections 115(2), 351(3), 308(5), 123 and 3(5) of BNS, 2023 and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Gohana City, District Sonipat (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 16.11.2024 (Annexure P-2).

2. The following order was passed on 18.12.2024 :-

“Prayer in this petition filed under Section 528 of BNSS, 2023 is for quashing of FIR No.371 dated 21.08.2024 registered under Sections 115(2), 351(3), 308(5), 123 and 3(5) of BNS, 2023 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Gohana City, District Sonipat (Annexure P-1) along with all the subsequent proceedings arising



therefrom, on the basis of compromise dated 16.11.2024 (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. Yuwan Singla, Advocate has put in appearance on behalf of respondents No.2 and 3. 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 23.12.2024. 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



and FIR No.371 dated 21.08.2024 registered under Sections 115(2), 351(3), 308(5), 123 and 3(5) of BNS, 2023 and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Gohana City, District Sonipat (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

January 23, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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