



CRM-M-63389-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-63389-2024 (O&M)
Date of Decision: 03.02.2025

HAMEN SHOUKTY

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhinav Rawal, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Harkesh Kumar, AAG Haryana

Mr. Vikas Dhoulra, Advocate
for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 439 dated 22.10.2024 under Sections 406, 420 and 506 of Indian Penal Code and Sections 10, 24 of Immigration Act registered at Police Station Gandhi Nagar, District Yamuna Nagar (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 23.10.2024 (Annexure P2) arrived at between the parties.

2. The following order was passed on 17.12.2024:

“The petitioner arraigned as accused in the FIR captioned below, has come up before this Court under Section 528 of the BNSS, 2023 to quash the FIR and all consequential proceedings based on the compromise amicably arrived at between the parties.

Notice served upon the official respondent through the State's counsel. In case the State wants to file its response, they must do so positively before the next date. Counsel appear-

ing for the private respondent states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner and the private respondent, and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 17.01.2025, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court		
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FIR No.	Dated	Police Station	Sections
439	22.10.2024	Gandhi Nagar, District Yamuna Nagar	406, 420, 506 IPC and 10, 24 of Immigration Act

1.	Names of the complainant/victims(s)/ aggrieved persons (s)	
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes/No
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No
10.	Has the police report been filed or not?	Yes/No



11.	Notice of accusation /Charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	
13.	Sections of statutes invoked in the matter	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 03.02.2025.”

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 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. 439 dated 22.10.2024 under Sections 406, 420 and 506 of Indian Penal Code and Sections 10, 24 of Immigration Act registered at Police Station Gandhi Nagar, District Yamuna Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

03.02.2025

Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>