

CRM-M-64160-2024 (O&M)

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296 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-64160-2024 (O&M)
Date of Decision: 18.02.2025

HARSH GOYAL @ HITESH AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Sanghi, Advocates
for the petitioners.

Mr. Harkesh Kumar, AAG Haryana

Mr. Himanshu Garg, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Petitioners have filed petition under Section 528 of BNSS, 2023 for quashing of FIR No.361 dated 02.08.2024 under Section 115/126, 127(2), 3 (5)/324 (3), 351 (2) of BNS, 2023, registered at Police Station City Narnaul, District Mahendergarh along with all subsequent proceedings arising therefrom, on the basis of compromise dated 29.11.2024 (Annexure P-2).

2. The following order was passed on 19.12.2024:

"Petitioners have filed petition under Section 528 of BNSS, 2023 for quashing of FIR No.361 dated 02.08.2024, 115/126, 127 (2), 3 (5)/324 (3), 351 (2) of BNS, 2023, registered at Police Station City Narnaul, District Mahendergarh along with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion.

On asking of this Court, Mr. Rupinder Singh Jhand, Addl. A.G., Haryana accepts notice on behalf of State and prays for time to file status report. Learned counsel for petitioners is directed to supply him a complete copy of the paperback.

Mr. Himanshu Garg, Advocate appeared and filed power of attorney on behalf of respondent No. 2, which is taken on record.

Learned State counsel states that petitioners are involved in several cases so he intends to file status report. May do so before adjourned date.

Let statements of petitioners and respondent No.2 be recorded with regard to the compromise, on or before 22.01.2025 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report i.e.

1. The number of accused in aforesaid FIR and to report whether any of the accused have been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine, voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioners in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 18.02.2025.

Status report be also filed by respondent – State by adjourned date.”

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. Learned State counsel has filed the status report dated 11.02.2025 and the same is taken on record. Further, learned State counsel opposes the prayer for quashing the FIR(supra) on the basis of compromise on the ground that petitioner No. 2 is involved in 13 more FIRs, out of which he has been acquitted in 09 cases and facing the trial in 04 cases.

5. Learned counsel for the petitioners submit that present FIR pertains to monetary dispute between the business partners.

6. In view of the specific stand taken by learned counsel for the petitioners and in view of 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 (Crl.) 1052**, this petition is allowed and FIR No.361 dated 02.08.2024 under Sections 115/126, 127(2), 3(5)/324(3), 351(2) of BNS, 2023, registered at Police Station City Narnaul, District Mahendergarh along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

18.02.2025
Ajay Goswami

Whether speaking/reasoned Yes/No
Whether reportable Yes/No