256 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3762-2025 (O&M)
Date of Decision: 28.02.2025

DALJIT SINGH AND OTHERS ...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate for
Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Mayank M. Mahla, Advocate for
Mr. Tej Bahadur Singh, Advocate for respondent No. 2.

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Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.141 dated 27.10.2024 under Section 125 of BNS and Sections 25/27 of Arms Act (Sections 109/61(2) of BNS, 2023 added later on vide DDR No.45 dated 28.10.2024) registered at Police Station Majitha, Amritsar Rural, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2025 (Annexure P-2).

2. The following order was passed on 23.01.2025:

> *"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.141 dated 27.10.2024 under Section 125 of BNS and Sections 25/27 of Arms Act (Sections 109/61(2) of BNS, 2023 added later on vide DDR No.45 dated 28.10.2024) registered at Police Station Majitha, Amritsar Rural, District Amritsar (Annexure P-1) along with all subsequent proceedings arising there-*

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from on the basis of compromise dated 07.01.2025 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that it is a case of no injury and the factual ingredients to attract the offence under Section 109 of BNS are clearly missing and as such, once the prima facie offence under Section 307 of IPC is not made out, there is no embargo on the quashing of the FIR (supra) on the basis of compromise and relies upon the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688. He further submits that the petitioners are not involved in any other case and having clean antecedents.

Notice of motion for 28.02.2025.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Tej Bahadur Singh, Advocate accepts notice for respondent No.2 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax 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.

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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 (Crl.) 1052**, this petition is allowed and FIR No.141 dated 27.10.2024 under Section 125 of BNS and Sections 25/27 of Arms Act (Sections 109/61(2) of BNS, 2023 added later on vide DDR No.45 dated 28.10.2024) registered at Police Station Majitha, Amritsar Rural, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025
Ajay Goswami

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

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