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

CRM-M-21143-2025

Date of decision: 23.05.2025

Chaman Saini and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. A.D.S. Jattana, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Kusum Raj, Advocate
for respondent No.2.**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.309 dated 09.10.2023 under Sections 323/341/148/149/186/353/506 of IPC registered at Police Station Dera Bassi, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 10.03.2025 (Annexure P-3).

2. The following order was passed on 24.04.2025:-

“ This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.309 dated 09.10.2023 under Sections 323/341/148/149/186/353/506 of IPC registered at Police Station Dera Bassi, District SAS Nagar, (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 10.03.2025 (Annexure P-3).

*Learned counsel for the petitioners relies upon the judgment passed by Division Bench of this Court in **Vinod @ Boda and others vs. State of Haryana and others, 2017(1) RCR (Criminal) 571** and submits that there is no embargo in quashing of FIR (supra) registered under Sections 186 and 353 of IPC on the basis of compromise. He further submits that the necessary ingredients to invoke the provisions of Section 353 of IPC are not made out. The concerned persons are only home-guard volunteers and they are not the public servants.*

Notice of motion.

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. Kusum Raj, Advocate accepts notice for respondent No.2 and



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files his power of attorney, which is taken on record. He admits to the factum of compromise.

Copy of the paper book be supplied to them during the course of day.

Service is complete.

Adjourned to 23.05.2025.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq 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/Illaq 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.

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.309 dated 09.10.2023 under Sections 323/341/148/149/186/353/506 of IPC registered at Police Station Dera Bassi, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025

Neha

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