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

CRM-M-7813-2025

Date of decision: 17.03.2025

Kulwinder Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Anmol Thakur, Advocate for
Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. G.S. Rawat, 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.73 dated 02.09.2023 under Section 160 of IPC registered at Police Station Lambran, District Jalandhar Rural (Annexure P-1) on the basis of compromise deed dated 29.10.2023 (Annexure P-2) and all subsequent proceedings arising therefrom.
2. The following order was passed on 11.02.2025:

'This petition has been filed under Section 528 BNSS seeking quashing of FIR No.73 dated 02.09.2023 registered under Section 160 IPC at Police Station Lambran, District Jalandhar (Rural), on the basis of compromise deed dated 29.10.2023 (Annexure P-2).

Notice of motion for 17.03.2025.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1 – State and Mr. G.S. Rawat, Advocate accepts notice on behalf of respondent No.2 and files Vakalatnama, which is taken on record. 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/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded 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 i.e. 17.03.2025.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.'



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3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court and as per the same, petitioner No.2 has not appeared before the trial Court to record his statement in terms of the compromise and qua other accused persons, the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Further learned counsel for respondent No.2 submits that appearance of all the accused before the trial Court is not necessary. The consent of the complainant/respondent No.2 is essential for quashing the FIR(*supra*) on the basis of compromise and the complainant/respondent No.2 has no objection in case the FIR (*supra*) qua all the petitioners, is quashed.

5. 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, 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.73 dated 02.09.2023 under Section 160 of IPC registered at Police Station Lambran, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

17.03.2025

Neha

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