



308-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 28.01.2025

1.

CRM-M-54959-2024

GAGANDEEP SINGH ALIAS HAPPY AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

2.

CRM-M-55175-2024

AJMER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Pooja, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioners in CRM-M-54959-2024
& for respondent Nos.2 & 3 in CRM-M-55175-2024.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Azam Khan, Advocate for the petitioner
in CRM-M-55175-2024 & for respondent No.2
in CRM-M-54959-2024.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of above mentioned petitions as both are version and cross-version. For the sake of brevity, facts are borrowed from *CRM-M-54959-2024* titled as *Gagandeep Singh alias Happy and another v. State of Punjab and another*.

2. These petitions have been filed under Section 528 of BNSS seeking quashing of FIR No.75 dated 02.06.2023, registered under Sections 323/324/336/148/149 of IPC; Section 326 IPC added later on and Sections 25/27 of Arms Act at Police Station Ghuman, District Batala



(Annexure P-1) along with cross-version contained in GD No.15 dated 22.06.2023, under Sections 324, 323 & 506 IPC in FIR (*supra*) and all the subsequent proceedings arising therefrom, qua petitioners on the basis of compromise dated 24.10.2024 (Annexure P-3).

3. The following order was passed on 07.11.2024 :-

“This petition has been filed for quashing of FIR No.75 dated 02.06.2023 under Sections 323, 324, 336, 148 & 149 IPC (offence under Section 326 IPC added later on) and Sections 25 & 27 of the Arms Act, registered at Police Station Ghuman, District Batala along with all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 24.10.2024 (Annexure P3) arrived at between the parties.

Notice of motion.

Mr. Vinay Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Azam Khan, Advocate, accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 12.11.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of the trial/proceedings pending;*
- 4. If, the compromise is genuine, voluntary and out of free will of the parties;*



5. *Whether any other criminal case pending against the accused.*

Report of the trial Court/Illaq/Duty Magistrate be awaited for 28.01.2025.”

4. In compliance of the aforesaid, 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.

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* 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.75 dated 02.06.2023, registered under Sections 323/324/336/148/149 of IPC; Section 326 IPC added later on and Sections 25/27 of Arms Act at Police Station Ghuman, District Batala (Annexure P-1) along with cross-version contained in GD No.15 dated 22.06.2023, under Sections 324, 323 & 506 IPC in FIR (*supra*) and all consequential proceedings arising out of the same are quashed, qua the petitioners in both the cases.

January 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |