

Ronak Kumar And Others vs State Of Haryana And Others on 21 February, 2025

Neutral Citation No:=2025:PHHC:025992

CRM-M-3267-2025 (O&M)

235 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3267-2025 (O&M)

Date of Decision: 21.02.2025

RONAK KUMAR AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virat Rana, Advocate
for the petitioners.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Mr. Ankit Chaudhary, Advocate
for respondents No. 2 to 4.

Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 482 of Cr.P.C. seeking quashing of FIR No.356 dated 07.10.2024 under Sections 115/126/3(5)/351(2) of BNS (earlier Sections 321/339/34/506 of IPC) registered at Police Station Kunjpura, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.12.2024 (Annexure P-2).

2. The following order was passed on 21.01.2025:

"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 482 of Cr.P.C. seeking quashing of FIR No.356 dated 07.10.2024 under Sections 115/126/3(5)/351(2) of BNS (earlier Sections 321/339/34/506 of IPC) registered at Police Station Kunjpura, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.12.2024 (Annexure P-2).

Notice of motion for 21.02.2025.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1- State and Mr. Ankit Chaudhary, Advocate accepts notice for respond-

1 of 3 Neutral Citation No:=2025:PHHC:025992 ents No.2 to 4 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.

4. Learned State counsel, submits that offence under Section 117(2) of BNS has been added in the FIR(supra), during the course of investigation and the final report was submitted before the jurisdictional Court on 27.01.2025. As such, the aforementioned offence was not mentioned in the headnote and prayer clause of the petition.

5. Faced with the above, learned counsel for the petitioner submits that offence under Section 117(2) of BNS was added in the FIR(supra) by the Investigating Agency during the course of investigation and the present petition was filed before filing of the final report. As such, inadvertently, the aforementioned offence has not been mentioned in the headnote and prayer clause of this petition and prays that the said Section may be added in the instant petition, today itself.

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6. Prayer is allowed. Offence under Section 117(2) of BNS is added in the headnote and prayer clause of the petition. Registry is directed to make the necessary corrections.

7. 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

Kul-winder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and FIR No.356 dated 07.10.2024 under Sections 115/126/3(5)/351(2) of BNS (earlier Sections 321/339/34/506 of IPC) (Section 117(2) of BNS 2023 added during investigation) registered at Police Station Kunjpura, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025
Ajay Goswami

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No

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