

Madan Singh And Anr vs State Of Punjab And Another on 20 March, 2025

Neutral Citation No:=2025:PHHC:038584

280IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-54056-2024 (O&M)

Date of Decision: 20.03.2025

MADAN SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virender Kumar, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Manish Chaudhary, 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. 102 dated 03.09.2024 under Sections 109, 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 27 of Arms Act 1959 registered at Police Station Maur (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 30.09.2024 (Annexure P-2).

2. The following order was passed on 19.02.2025:

"Learned counsel for the petitioner inter alia contends that admittedly it is a case of no injury and prima facie the offence under Section 307 of Indian Penal Code is not made out and the factual ingredients to invoke the provisions of Section 307 of IPC are clearly missing. Learned counsel further relies upon the judgment of Hon'ble Supreme Court reported as State of Madhya Pradesh Vs. Laxmi Narayan & others, (2019) 5 SCC 688. Service is complete.

Adjourned to 20.03.2025.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq

Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the 1 of 2 Neutral Citation No:=2025:PHHC:038584 CRM-M-54056-2024 (O&M) -2- compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 20.03.2025.

A copy of this 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 (Crl.) 1052, this petition is allowed and FIR No. 102 dated 03.09.2024 under Sections 109, 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 27 of Arms Act 1959 registered at Police Station Maur (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

20.03.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No