

CRM-M-454-2024

CRM-M-454-2024 (O&M)
Date of Decision: 09.02.2024

BALDEV SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Raghuvanshi, Advocate with
Mr. Vijay Lath, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Surinder Sharma, Advocate for respondents No. 2 to 9.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR 105 dated 05.10.2015 registered under Section 420 of Indian Penal Code read with Section 24 of Immigration Act, 1983 at Police Station Sri Chamkaur Sahib, District Rupnagar, Punjab and all subsequent proceedings arising therefrom in view of the compromise dated 29.12.2023 (Annexure P-5).

2. The following order was passed on 09.01.2024:

“This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.105 dated 05.10.2015 under Section 420 of IPC read with Section 24 of the Immigration Act, 1983 registered at Police Station Sri Chamkaur Sahib, District Rupnagar, Punjab (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 29.12.2023 (Annexure P-5).

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. Surinder Sharma, Advocate accepts notice for respondents No.2 to 9 and files his vakalatnama and admits to the factum of compromise. Copy of

the paper book be supplied to them during the course of day.
Service is complete.

Now 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 recorded their statements 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 i.e. 09.02.2024.
A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

3. In compliance of the above 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, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 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 105 dated 05.10.2015 registered under Section 420 of Indian Penal Code read with Section 24 of Immigration Act, 1983 at Police Station Sri Chamkaur Sahib, District Rupnagar, Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

09.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No