

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1107-2024
DATE OF DECISION: 16.02.2024

KIRTBIR SINGH AND OTHERSPETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR.

Present: - Mr. Rahul Aggarwal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Aditya Narayan

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HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR 0188 dated 22.10.2023 registered under Sections 452, 323, 427, 341, 506, 148 and 149 Indian Penal Code at Police Station Cantonment, District Police Commissionerate Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 23.12.2023 (Annexure P-2).

2. The following order was passed on 10.01.2024.

“The present petition has been filed under Section 482Cr.P.C. seeking quashing of FIR No. 0188 dated 22.10.2023 under Sections 452, 323, 427, 341, 506, 148 and 149 of Indian Penal Code registered at Police Station Cantonment, District Police Commissionerate Amritsar (Annexure P-1) on the basis of compromise dated 23.12.2023 (Annexure P-2).

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. Aditya Narayan, Advocate accepts notice on behalf of respondent No. 2 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.

The parties are directed to appear before the learned trial Court/Ilalaqa Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Ilalaqa 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 petitioners on or before the date fixed Le. 16.02.2024.

A copy of the order be sent to the learned trial Court/Ilalaqa 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 No. 0188 registered under Sections 452, 323, 427, 341, 506, 148 and 149 Indian Penal Code at Police Station Cantonment, District Police Commissionerate Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

16.02.2024

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