

CRM-M-2623-2024
Date of decision: 29.02.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neelam Choudhary, Advocate for
Mr. Ramandeep Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Jaswinder Singh Rana, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0069 dated 12.08.2023 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station Jodhan, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.11.2023 (Annexure P-2).

2. The following order was passed on 18.01.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0069 dated 12.08.2023 under Sections 406, 420, 120-B of IPC registered at Police Station Jodhan, District Ludhiana Rural (Annexure P. 1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2023 (Annexure P-2).

Notice of motion.

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. Jaswinder Singh Rana, Advocate accepts notice for 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.

Learned counsel for the petitioners submits that petitioner No.3 is presently residing abroad. As such, he cannot appear before the jurisdictional Magistrate for recording his statement. Learned counsel for the petitioner prays for recording the statement of petitioner No.3 through his attorney.

Heard and allowed.

The trial Court is directed to record the statement of petitioner No.3 through his attorney.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq 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. 29.02.2024.

A copy of the order be sent to learned trial Court/Illaq 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.0069 dated 12.08.2023 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station Jodhan, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 29, 2024
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(HARPREET SINGH BRAR)
JUDGE

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