257 **IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH**

CRM-M-1957-2023 (O&M)
Date of Decision: 28.02.2024

MISHRI LAL AND ANOTHER

…Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

…Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lovish Rattan, Advocate
for the applicants/petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Rajat Malhotra, Advocate
for respondents No. 2 and 3.

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HARPREET SINGH BRAR J. (Oral)

CRM-12925-2023

This is an application under Section 482 of Cr.P.C. seeking impleadment of Atul Kumar aged 22 years as respondent No. 3 being necessary party.

For the reasons mentioned in the application, same is allowed and Atul Kumar is impleaded as respondent No. 3. Amended memo of parties is taken on record.

CRM-M-1957-2023

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No. 37 dated 16.07.2021 (Annexure P-2) filed under Sections 341, 323, 506 and 34 of Indian Penal Code at Police Station Division No. 2, District Police Commissionerate Ludhiana in FIR No. 190 dated 15.07.2021 registered under Sections 307, 324, 323, 34 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Division No. 2, District Police Commissionerate Ludhiana and all subsequent proceedings arising therefrom in view of the compromise

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22.12.2022 (Annexure P-3).

2. The following order was passed on 16.01.2023:

> *"Prayer in this petition under Section 482 Cr.P.C. is for quashing of Cross version case vide DDR No.37 dated 16.07.2021 (Annexure P-2) under Section 341, 323, 506, 34 IPC registered at Police Station Division No.2 District Police Commissionerate Ludhiana in FIR bearing No.0190, dated 15.07.2021 under Section 307, 324, 323, 34 IPC (Section 307 IPC deleted lateron) registered at Police Station Division No.2 District Police Commissionerate Ludhiana (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 22.12.2022 (P-3).*
>
> *Notice of motion.*
>
> *Mr. Tarun Aggarwal, Sr. D.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State, whereas Mr.Rajat Malhotra, Advocate accepts notice on behalf of respondent No.2 and files Power of Attorney. The same is taken on record. Be tagged at appropriate place.*
>
> *Adjourned to 27.02.2023.*
>
> *Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court on 07.02.2023 or any other date convenient to the court, which shall record their statements and send a report to this Court to the effect as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing."*

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. This Court finds force in the arguments advanced by learned counsel for the petitioners and 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**

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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 DDR No. 37 dated 16.07.2021 (Annexure P-2) filed under Sections 341, 323, 506 and 34 of Indian Penal Code at Police Station Division No. 2, District Police Commissionerate Ludhiana in FIR No. 190 dated 15.07.2021 registered under Sections 307, 324, 323, 34 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Division No. 2, District Police Commissionerate Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

28.02.2024
Ajay Goswami

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

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