

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2475-2024
DATE OF DECISION: 26.02.2024

KULWANT SINGH
.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

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

Present: - Mr. Avtiaz Sandu, Advocate for
Mr. Gurinder Singh Goraya, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Gurnoor Singh, Advocate
for respondent No.2.

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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 No.516 dated 07.09.2021 registered under Sections 279, 337, 338 Indian Penal Code at Police Station Pundri District Kaithal and all subsequent proceedings arising therefrom in view of the compromise dated 02.01.2024 (Annexure P-2).
2. The following order was passed on 16.01.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 516 dated 07.09.2021 under Sections 279, 337, 338 of Indian Penal Code registered at Police Station Pundri, District

Kaithal (Annexure P-1) on the basis of compromise dated 02.01.2024 (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. Gurnoor Singh, 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 i.e. 26.02.2024.

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. Learned State counsel submits that one of the injured witness, namely, Ishu has not been impleaded as a party in the present petition.

5. Learned counsel for respondent No.2 submits that the injured witness is the real sister of respondent No.2 and she being a girl was not impleaded as a party intentionally and they have no objection in case the present FIR be quashed.

6. 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.516 dated 07.09.2021 registered under Sections 279, 337, 338 Indian Penal Code at Police Station Pundri District Kaithal and all subsequent proceedings arising therefrom in view of the compromise dated 02.01.2024 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

26.02.2024
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(HARPREET SINGH BRAR)
JUDGE

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