

CRM-M-3336-2024
Date of decision: 29.02.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

None 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.183 dated 25.10.2021 registered under Sections 323, 341, 506, 148, 149 of Indian Penal Code at Police Station Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 09.11.2021 (Annexure P-2).

2. The following order was passed on 22.01.2024 :-

“This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 183, dated 25.10.2021 registered under Sections 323, 341, 506, 148 and 149 of Indian Penal Code at Police Station Division No. 5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 09.11.2021 (Annexure P-2).

In view of the resolution passed by Punjab & Haryana High Court Bar Association, there is no representation on behalf of the petitioners, however,

pleadings of the case would indicate that the petitioner and respondent No. 2 have settled their dispute amicably by executing compromise deed dated 09.11.2021 (Annexure P-2).

Notice of motion.

Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of 02 weeks from today or any other date convenient to the trial Court/Illaq Magistrate for getting their statements recorded in terms of the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the 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 this order be sent to learned trial Court/Illaq Magistrate through fax for compliance. Registry is also directed to intimate the counsel for the petitioners, about the date fixed.”

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, on instructions from ASI Balbir Singh, submits that this is a partial compromise.

5. Learned counsel for the petitioners submits that in view of the law laid down by Hon'ble Supreme Court in ***Jayaraj Digvijaysinh Rana Vs. State of Gujrat and another 2012(4) RCR (Crl.) 589*** and this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256***, partial compromise is permissible.

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*** and ***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.183 dated 25.10.2021 registered under Sections 323, 341, 506, 148, 149 of Indian Penal Code at Police Station Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

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 |