

CRM-M-3500-2024

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3500-2024 (O&M)

Date of Decision: 28.02.2024

JARNAIL SINGH @ JAIMAL SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. B.S. Rana, Advocate for respondent No. 2.

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. 97 dated 13.10.2021 registered under Sections 434, 447, 283 and 506 of Indian Penal Code at Police Station Rangar Nangal, District Batala, Gurdaspur Punjab and all subsequent proceedings arising therefrom in view of the compromise 18.01.2024 (Annexure P-2).

2. The following order was passed on 23.01.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.97 dated 13.10.2021 under Sections 434/447/283/506 of IPC registered at Police Station Rangar Nangal, District Batala, Gurdaspur, Punjab (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2024 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the present FIR was registered on the basis of communication sent by the BDPO Sir Hargobindpur. He relies upon the judgment passed by the division bench of this Court in ‘Vinod @ Boda and others Vs. State of Haryana

and another' CRM-M-12632-2023 decided on 09.05.2023 to indicate that even if the complainant is a public servant, the FIR on the basis of compromise can be quashed. However, in the present case, the allegations in complaint have been made by respondent No.2 and the concerned BDPO has merely sent the communication to the police authorities.

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. Davinder Kumar, Advocate accepts notice for respondent No.2 and files his vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

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 their statements recorded 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. 28.02.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance."

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. 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**

CRM-M-3500-2024

(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. 97 dated 13.10.2021 registered under Sections 434, 447, 283 and 506 of Indian Penal Code at Police Station Rangar Nangal, District Batala, Gurdaspur Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

28.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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