

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M No. 3777 of 2024

Date of Decision: 27.02.2024

Chamkaur Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Janak Singh Bhinder, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. J.S.Moudgil, Advocate for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 344 dated 26.09.2021 registered under Sections 353, 506, 332, 448, 186, 148, 149 of Indian Penal Code at Police Station Kotwali, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 03.09.2022 (Annexure P-2).

2. The following order was passed on 24.01.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 344 dated 26.09.2021 registered under Sections 353, 506, 332, 448, 186, 148, 149 of Indian Penal Code at Police Station Kotwali, District Patiala (Annexure P-1) on the basis of compromise dated 03.09.2022 (Annexure P-2).

Learned counsel for the petitioners relies upon judgement passed by Hon'ble Division Bench of this Court in Vinod @ Boda and others vs. State of Haryana and another, 2017(1) RCR(Crl.) 571 to contend that

even if the complainant is a public servant, the FIR can be quashed on the basis of compromise.

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. J.S. Moudgil, Advocate accepts notice on behalf of 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.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within one week or any other date convenient to concerned Court 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 petitioners on or before the date fixed i.e. 27.02.2024.

A copy of the order be sent to the 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. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh 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.

5. 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***

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(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. 344 dated 26.09.2021 registered under Sections 353, 506, 332, 448, 186, 148, 149 of Indian Penal Code at Police Station Kotwali, District Patiala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

27.02.2024(HARPREET SINGH BRAR)JUDGE

Rajeev (rvs)

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