

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-5912-2024 (O&M)
Date of Decision: 14.03.2024

...Petitioners

V/S

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Buta Singh Bairagi, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Ms. Komaldeep Kaur, 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. 0135 dated 02.08.2023 registered under Sections 364, 323, 506, 148 and 149 of Indian Penal Code at Police Station Baghapurana, District Moga and all subsequent proceedings arising therefrom in view of the compromise dated 13.01.2024 (Annexure P-2).

2. The following order was passed on 05.02.02024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0135 dated 02.08.2023 under Sections 364, 323, 506, 148, 149 of Indian Penal Code registered at Police Station Baghapurana, District Moga (Annexure P-1) on the basis of compromise dated 13.01.2024 (Annexure P-2).

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 Ms. Kamaldeep Kaur,

Advocate accepts notice on behalf of respondent No. 2 and files her 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/ Illaqa 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/Illaqa 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. 14.03.2024.

A copy of the order be sent to the learned trial Court/Illaqa 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. 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*** and, 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 (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. 0135 dated 02.08.2023 registered under Sections 364, 323, 506, 148 and 149 of Indian Penal Code at Police Station Baghapurana, District Moga and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

14.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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