

276 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-7096-2024
Date of decision: 19.03.2024

KAMALJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gurpreet Kaur, Advocate for the petitioner.
 Mr. Rishabh Singla, AAG, Punjab.
 Mr. Jagpal Singh, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 67 dated 16.10.2023 registered under Sections 379B(2), 34, 506 of Indian Penal Code registered at Police Station Jhander, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.11.2023 (Annexure P-3).

2. The following order was passed on 09.02.2024 :-

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 67 dated 16.10.2023 registered under Sections 379B(2), 34, 506 of Indian Penal Code registered at Police Station Jhander, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.11.2023 (Annexure P-3).

Learned counsel for the petitioners relies upon Parambir Singh Vill vs. Malkiat Kaur, 2010(1) RCR(Criminal) 256 and Jayrajsingh Digvijaysingh Rana vs. State of Gujarat and another, 2012(4) RCR(Criminal) 589 to contend that partial compromise with some of the accused is permissible for quashing of the FIR.

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. Jagpal Singh, 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/ 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. 19.03.2024.

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

3. In compliance of the 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. 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.67 dated 16.10.2023 registered under Sections 379B(2), 34, 506 of Indian Penal Code registered at Police Station Jhander, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

March 19, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |