



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6989-2024

Date of decision: 17.05.2024

GURSAHIB SINGH @ SABBHA AND OTHERS

....PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Rishabh Singhla, AAG, Punjab.

Mr. Amandeep Singh, Advocate
for respondent Nos. 2 and 3.

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. 127 dated 23.12.2023 registered under Sections 366/457/380/120-B of Indian Penal Code at Police Station Valtoha, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 23.01.2024 (Annexure P-2).

2. The following order was passed on 09.02.2024:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.127 dated 23.12.2023 registered under Sections 366/457/380/120-B IPC, 1860 at Police Station Valtoha, District Tarn Taran and all the consequential proceedings arising therefrom on the basis of Compromise dated 23.01.2024 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners-accused submits that the present FIR was registered



on the basis of statement of respondent No.2-father of the victim. It is stated that victim-respondent No.3 was 20 years of age at the time of alleged incident. Three persons have been named in the FIR by the complainant-respondent No.2. It is stated that however, the present FIR was registered on the basis of some misunderstanding between the parties and now in order to live peacefully, parties have entered into compromise dated 23.01.2024 (Annexure P-2) between all the 3 accused/petitioners herein and respondents No.2 and 3 herein.

Notice of motion.

Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. Amandeep Singh, Advocate, puts in appearance and has filed Memo of Appearance on behalf of respondent Nos.2 and 3. The same is taken on record.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the aforesaid submissions made by learned counsel for the petitioners.

In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 23.01.2024 (Annexure P-2) on 28.02.2024 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 17.05.2024 containing the following information:-

- 1 Number of persons arrayed as accused in the FIR;*
- 2 Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”

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. 127 dated 23.12.2023 registered under Sections 366/457/380/120-B of Indian Penal Code at Police Station Valtoha, District Tarn Taran (Annexure P-1) and compromise dated 23.01.2024, all subsequent proceedings arising out of the same are quashed, qua the petitioners.

17.05.2024
Anu

(HARPREET SINGH BRAR)
JUDGE

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