

CRM-M-7059-2022

265 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-7059-2022 (O&M)  
Date of Decision: 30.01.2024

SANJEEV KUMAR AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Subhash Godara, Addl. AG Punjab.

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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. 16 dated 30.01.2014 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Dera Bassi, District SAS Nagar and all subsequent proceedings arising therefrom in view of the compromise(Annexure P-2).

2. The following order was passed on 21.02.2022:

*“The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.16 dated 30.1.2014 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC at Police Station Dera Bassi, District SAS Nagar on the basis of compromise (Annexure P-2).*

*Notice of motion.*

*At this stage, Mr. Manish Pratap Rana, Advocate, accepts notice on behalf of the complainant/respondent No.2. He is directed to file his power of attorney in the Registry within four weeks.*

*On the asking of this Court, Mr. C.L.Pawar, Sr. DAG, Punjab accepts notice on behalf of the State. He does not wish to file any reply as the parties are*

*stated to have effected the compromise.*

*Learned counsel for respondent No.2 has admitted the correctness of compromise (Annexure P-2) and stated that she has no objection if this petition is allowed.*

*So, the parties are directed to appear before the learned trial court/Illaq Magistrate on 18.4.2022 or any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts:-*

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

*To come up on 13.7.2022 for awaiting the report.*

*A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, 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 (CrI.) 1052, this petition is allowed and FIR No. 16 dated 30.01.2014 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Dera Bassi, District SAS Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

30.01.2024  
Manisha

(HARPREET SINGH BRAR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |