

CRM-M-7335-2024

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-7335-2024 (O&M)

Date of Decision: 18.03.2024

GURMIT SINGH @ MEETU

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lovepreet Singh, Advocate for
Mr. Sanjeet Kodan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana

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. 0631 dated 19.12.2017 registered under Sections 148, 149, 323, 452 and 506 of Indian Penal Code at Police Station Pehowa, District Kurukshetra and all subsequent proceedings arising therefrom including the order dated 19.04.2019 declaring the petitioner as proclaimed offender, in view of the compromise dated 20.09.2023 (Annexure P-3).

2. The following order was passed on 12.02.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0631 dated 19.12.2017 under Sections 148/149/323/452/506 of IPC registered at Police Station Pehowa, District Kurukshetra (Annexure P-1) and order dated 19.04.2019 declaring the petitioner as proclaimed offender (Annexure P-2) and all other subsequent proceedings arising therefrom on the basis of compromise deed dated 20.09.2023 (Annexure P-3).

Learned counsel for the petitioner inter alia contends that the petitioner has been declared proclaimed

offender vide impugned order (Annexure P-2) without following the procedure prescribed under Section 82 of Cr.P.C. He relies upon the judgments passed by this Court in 'Major Singh @ Major Vs. State of Punjab' 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506 and 'Sonu Vs. State of Haryana' 2021 (1) RCR (Crl.) 319.

Notice of motion.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day. Learned counsel for the petitioner undertakes to secure the presence of respondents No.2 to 5 before the learned trial Court at the time of recording the statement.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, 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 party on or before the date fixed i.e. 18.03.2024.

In view of the above, the operation of impugned order dated 19.04.2019 (Annexure P-2) shall remain stayed.

A copy of the order be sent to 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. 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**

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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. 0631 dated 19.12.2017 registered under Sections 148, 149, 323, 452 and 506 of Indian Penal Code at Police Station Pehowa, District Kurukshetra and all subsequent proceedings arising therefrom including the order dated 19.04.2019 (Annexure P-2) declaring the petitioner as proclaimed offender, are quashed, qua the petitioner.

18.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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