



Sr. No.256

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6964-2024
Date of decision: 17th May, 2024

KARANBIR SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.345 dated 22.12.2022, under Sections 379-B and 354 IPC, 1860, registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 01.02.2024 (Annexure P-2), executed between the parties.

2. The following order was passed on 09.02.2024:-

“xxx xxx xxx xxx

Learned counsel for the petitioner, inter alia, submits that in the FIR, it has been admitted by respondent No.2-complainant herein that she was a friend with the petitioner. Learned counsel further submits that the present FIR had been registered due to some misunderstanding between the petitioner and the complainant. However, in order to live peacefully, the parties have arrived at a compromise (Annexure P-2).

Notice of motion.



On the asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State. Learned State counsel submits that the offence mentioned in the FIR is under Section 379-B which is punishable by 10 years in the State of Punjab. It is further submitted that it has further been alleged in the FIR that a phone and Rs.5,000/- was also stolen by the petitioner from the complainant.

Learned State counsel seeks time to file status report in the matter.

Mr. Lalit Chander Sharma, Advocate, puts in appearance and has filed Memo of Appearance on behalf of respondent No.2. The same is taken on record. Learned counsel for respondent No.2 does not deny the abovesaid submissions made on behalf of learned counsel for the petitioner.

In view of the above, parties are directed to appear before the trial Court/Illaq Magistrate on 24.03.2024 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1.Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is 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 case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 17.05.2024.

xxx xxx xxx xxx”

3. In compliance of the above order, a report dated 04.04.2024 has been received from the Additional Sessions Judge (Fast Track Court), Amritsar that the compromise between the parties is genuine and arrived at out of the free will of the parties and without any pressure or coercion.



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, the present petition is allowed and FIR No.345 dated 22.12.2022, under Sections 379-B and 354 IPC, 1860, registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.
5. However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 01.02.2024 (Annexure P-2) are violated.
6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No