

GURJIT SINGH AND OTHERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. R.S. Pathania, Advocate for
Mr. Vinod Pundir, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 249 dated 10.09.2020, under Sections 406, 498-A, 506, 323, 34 of IPC, registered at Police Station Ghuman District Batala (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 08.04.2022(Annexure P-2).

2. The following order was passed on 20.04.2023 :-

“The petitioners - Gurjit Singh, Bikram Singh and Sarabjit Kaur have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 249 dated 10.09.2020, under Sections 406, 498-A, 506, 323, 34 of IPC, registered at Police Station Ghuman District Batala and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) dated 08.04.2022.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State. Learned counsel for the petitioners is directed to supply him a complete copy of the paperbook.

Mr. Vinod Pundir, Advocate has filed power of attorney on behalf of respondent no. 2, which is taken on record.

Let statements of the parties be recorded with regard to the compromise on 19.05.2023 before the learned Illaqa/Duty Magistrate, concerned or on any early date convenient to the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine, voluntarily without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioners in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 11.07.2023.

Status report be filed by respondent State by the adjourned date.”

3. Status report dated 05.07.2023 filed by way of an affidavit of PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala, District Gurdaspur on behalf of respondent No.1-State is taken on record.

4. 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.

5. 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. 249 dated 10.09.2020, under Sections 406, 498-A, 506, 323, 34 of IPC, registered at Police Station Ghuman District Batala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 08, 2024
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(HARPREET SINGH BRAR)
JUDGE

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