



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8479-2023

Date of decision: 13.05.2024

JIWAN KUMAR AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Soi, Advocate
for the petitioners. (Through V.C.)

Mr. Sandeep Kumar, DAG, Punjab.

None for respondent Nos.2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.105 dated 2.7.2022 under Sections 363 and 366-A IPC registered at Police Station Division No.2, District Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 04.01.2023 (Annexure P-2).

2. The following order was passed on 17.02.2023 :-

"This is a petition for quashing of the FIR No.105 dated 2.7.2022 under Sections 363 and 366-A IPC registered at Police Station Division No.2, District Ludhiana, (Annexure P-1) on the basis of compromise said to have been entered into between the parties dated 4.1.2023 (Annexure P-2).

Notice of motion.

Mr. Jashandeep Singh, AAG. Punjab, appears and accepts notice on behalf of respondent No.1-State and Mr. Vishal Gaur,



Advocate has put in appearance on behalf of respondents No.2 and 3 by filing vakalatnama.

Let the parties appear before the trial Court/Duty Magistrate on 29.3.2023 or any other date convenient to the Court, for recording their statements with regard to compromise.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties:

The trial Court/Duty Magistrate shall also furnish the following information:

1. Whether there is any other accused, apart from the petitioners arrayed in this petition.

2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.

3. Whether the parties are involved in any other criminal case.

4. Whether any of the parties has been declared a proclaimed offender.

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 18.5.2023.”

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.105 dated 2.7.2022 under Sections 363 and 366-A IPC



registered at Police Station Division No.2, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 13, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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