



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9246-2024 (O&M)

Date of decision: 03.07.2024

DAVINDER SINGH SANDHU AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajaypal Singh Sandhu, ADvocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Gagandeep Singh Virk, Advocate
for respondent No. 2.

Mr. Harkirat Singh Bhogal, Advocate
for respondents No. 3 and 4.

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.15 dated 30.01.2023 registered under Sections 354, 452, 323 read with Section 34 of Indian Penal Code, 1860 at Police Station Mamdot, District Ferozepur along with all consequential proceedings arising therefrom, on the basis of compromise dated 06.07.2023 (Annexure P-2) arrived at between the parties).

2. The following order was passed on 28.02.2024:

“This petition has been filed for quashing of FIR No.15 dated 30.01.2023 registered under Sections 354, 452, 323 read with Section 34 of Indian Penal Code, 1860 at Police Station Mamdot, District Ferozepur along with all consequential proceedings arising therefrom, on the basis of compromise dated 06.07.2023 (Annexure P-2) arrived at between the parties.



Learned counsel for the petitioner(s) has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed person(s).

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. R.S. Dhaliwal, Advocate accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa/Duty Magistrate/trial Court on 20.03.2024 for getting their statements recorded with regard to the compromise. The Illaqa/Duty Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 20.04.2024.”

3. Thereafter vide orders dated 20.04.2024 and 01.05.2024, two more opportunities were granted to the private parties for getting their statements recorded before the learned jurisdictional Magistrate in terms of the compromise.

4. In compliance of the aforesaid orders, 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.15 dated 30.01.2023 registered under Sections 354, 452, 323 read with Section 34 of Indian Penal Code, 1860 at Police Station Mamdot, District Ferozepur and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 03, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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