

CRM-M-41235-2023
Date of decision: 30.01.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Criminal complaint i.e. COMI-262-2015 (Annexure P-1) dated 13.10.2015 registered under Sections 307/326/325/324/323/452/506/148/149 of Indian Penal Code and summoning order dated 10.10.2017 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Batala and all subsequent proceedings arising therefrom in view of the compromise effected between the parties.

2. The following order was passed on 01.12.2023:

“Notice of motion.

Ms. Navreet K Barnala, AAG, Punjab puts in appearance and accepts notice on behalf of respondent No. 1-State.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of two weeks from today for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) *how many total accused are facing the trial;*
- (ii) *whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) *status stage of the trial/case:*
- (iv) *to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise:*
- (v) *to record the statement of Investigating Officer with regard to points No. (i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 30.01.2024.”

3. There is no representation on behalf of the parties, however, 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. A perusal of the summoning order would indicate that the petitioners are not summoned under Section 307 of IPC, rather, they are summoned under Sections 326, 324, 323, 452, 506, 148 and 149 IPC and the complainant has deposed before the concerned Magistrate that she has no objection in case the present complaint is quashed.

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 Criminal complaint i.e. COMI-262-2015 (Annexure P-1) dated 13.10.2015 registered under Sections 307/326/325/324/323/452/506/148/149

of Indian Penal Code and summoning order dated 10.10.2017 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Batala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

January 30, 2024

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(HARPREET SINGH BRAR)

JUDGE

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