

CRM-M-9767-2023
Date of decision: 21.02.2024

JAGDEV SINGH ALIAS BABBU AND ANOTHER
V/S **...PETITIONERS**

STATE OF PUNJAB AND ANOTHER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Dhanda, Advocate for
Mr. Sohrab Dhanda, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Gurjinder Singh, Advocate for
Mr. Hardik Ahluwalia, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.225 dated 25.10.2020 registered under Sections 379, 420, 473 and 120-B of Indian Penal Code at Police Station Raja Sansi, Police District Amritsar Rural, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise dated 10.08.2022 (Annexure P-2).

2. The following order was passed on 23.02.2023 :

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.225, dated 25.10.2020, under Sections 379,420,473 and 120-B, IPC, registered at Police Station Raja Sansi, District Amritsar Rural District Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise dated 10.08.2022 (Annexure P-2) arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.

Mr. Hardik Aluwalia, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record. He has affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to trial Court/Duty Magistrate but not later than six days thereof.

Trial Court is directed to report on the following points:-

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

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

Adjourned to 18.07.2023."

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.225 dated 25.10.2020 registered under Sections 379, 420, 473 and 120-B of Indian Penal Code at Police Station Raja Sansi, Police District Amritsar Rural, District Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 21, 2024

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(HARPREET SINGH BRAR)
JUDGE

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