

CRM-M-16127-2024
Date of decision: 07.05.2024

...PETITIONER

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.
Mr. Vikrant Pujara, Advocate 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.28 dated 16.02.2024 under Sections 363/366-A of IPC registered at Police Station Focal Point, District Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.03.2024 (Annexure P-2).
2. The following order was passed on 03.04.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.28 dated 16.02.2024 under Sections 363/366-A of IPC registered at Police Station Focal Point, District Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.03.2024 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the FIR (supra) was lodged due to some misunderstanding. The victim as per the compromise is major as discernible from para 3 of the compromise and from perusal of the record, the ingredients of the alleged offence are not available to make the petitioner liable for the alleged offence.

Notice of motion for 07.05.2024.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent

No.1-State and Mr. Vikrant Pujara, Advocate accepts notice for respondents No.2 & 3 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 07.05.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

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.28 dated 16.02.2024 under Sections 363/366-A of IPC registered at Police Station Focal Point, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 07, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No