

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-18525-2022 (O&M)

Date of Decision: 20.02.2024

HARJEET KAUR @ PREETI AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Krishan Kanha, Advocate for
Mr. N.S. Lucky, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

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. 492 dated 02.10.2021 registered under Sections 379-B, 384 and 120-B of Indian Penal Code at Police Station City Barnala, District Barnala and all subsequent proceedings arising therefrom in view of the compromise 08.04.2022 (Annexure P-2).

2. The following order was passed on 09.05.2022:

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 14.11.2022.

At this stage, Ms. Sukhwinder Kaur, Advocate has today put in appearance on behalf of respondent No.2 and has filed memo of appearance, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application

and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date.”

3. In compliance of the aforesaid 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. However, perusal of the said report further reveals that only one accused namely Narinder Kumar @ Aman-petitioner No. 5 has appeared before the learned trial Court/Illaq Magistrate for getting his statement recorded in support of the compromise.

4. Learned counsel for the petitioner submits that for the purpose of compounding the offence, the statement of the complainant is necessary and once the complainant has come forward for getting his statement recorded in support of the compromise, non-appearance of other accused is of no consequence.

5. Having heard learned counsel for the petitioner and after perusing

the record of the case, this Court finds force in the arguments advanced by learned counsel for the petitioner and 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. 492 dated 02.10.2021 registered under Sections 379-B, 384 and 120-B of Indian Penal Code at Police Station City Barnala, District Barnala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

20.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No