



AJAY GOSWAMI
2024.05.23 16:19
I attest to the accuracy and
authenticity of this order/judgment



and Others Vs. State of Punjab and Another' 2016(2) RCR Criminal 103, Varinder Kumar @ Bit and Others Vs. State of Punjab and Another CRM-M-13053-2017 decided on 22.08.2019, Amar Nath Vs. State of Punjab and Another CRM-M-12128-2018 decided on 09.05.2019 and Nirmaljit Singh and Others Vs. State of Punjab and Another CRM-M-50641 2021 decided on 10.04.2023 and submits that once prima facie, offence under Section 306 of IPC is not made out, an FIR can be quashed on the basis of compromise.

Notice of motion.

Mr. Sandeep Kumar, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 23.05.2024.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

Counsel for the petitioner undertakes to secure the presence of respondent No. 2 before the trial Court at the time of recording of the statement."

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.

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. 119 dated 13.09.2023, registered under Section 306 of

Indian Penal Code at Police Station Dera Baba Nanak, Police District Batala District Gurdaspur Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 23, 2024
Ajay Goswami

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No

(HARPREET SINGH BRAR)
JUDGE