

CRM-M-21075-2022

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21075-2022

Date of Decision: 07.02.2024

GURWINDER SINGH ALIAS AFRIDI AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Batth, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Divyansh Vats, Advocate for
Mr. L.K. Yadav, Advocate
for respondent No.2.

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.111 dated 09.08.2021 registered under Sections 380, 457 of Indian Penal Code and Section 25 of Arms Act, 1959 at Police Station Sadar Patti, District Tarn Taran and all subsequent proceedings arising therefrom in view of the compromise dated 21.09.2021.

2. The following order was passed on 07.12.2023:-

“Petitioner has filed the present petition under Section 482 of Cr.P.C. for quashing of the FIR No.111 dated 09.08.2021 registered under Sections 380, 457 of Indian Penal Code and Section 25 Arms Act, 1959 at Police Station Sadar Patti, District Tarn Taran on the basis of compromise.

On 17.05.2022, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 27.07.2022 or any other date convenient to the Court for recording their statements. Thereafter, another opportunity was granted on 14.09.2023 and parties were

again directed to appear before the Illaqa Magistrate/Trial Court for recording their statements with regard to the compromise but none of the parties appeared before the Ld. trial Court/Illaqua Magistrate.

Learned counsel for the petitioner seeks one more opportunity to comply with the directions issued by this Court on 14.09.2023.

Accordingly, the parties are again directed to appear before the learned Illaqua Magistrate/trial Court on or before 21.12.2023 for recording their statements in support of the compromise subject to last opportunity.

Adjourned to 07.02.2024.

The report with regard to the veracity of the compromise be also sought from the concerned Court on or before the next date of hearing.”

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.111 dated 09.08.2021 registered under Sections 380, 457 of Indian Penal Code and Section 25 of Arms Act, 1959 at Police Station Sadar Patti, District Tarn Taran and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

07.02.2024
manisha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No