



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

303

CRM-M-20217-2024 (O&M)
Date of decision: 06.08.2024

GURPREET SINGH ALIAS SUNNY DHILLON

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Damanpreet Kaur Brar, Advocate for
Mr. H.S. Multani Advocate
for the petitioner.

Mr. D.B. Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.232 dated 02.11.2017 registered at Police Station Phase-1, District SAS Nagar (Mohali) under Section 376 IPC (Annexure P-1), on the basis of compromise deed dated 20.08.2018 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner has informed that the first petition filed on behalf of the petitioner i.e. CRM-M-17034-2018 was dismissed as withdrawn by the Coordinate Bench of this Court vide order dated 31.05.2022 and the decision was not on merits (Annexure P-6).

[3] Learned counsel for the petitioner *inter alia* contends that the FIR



was registered due to misunderstanding between the parties. He further contends that the matter has been settled between the parties and compromise deed dated 20.08.2018 (Annexure P-2) has been executed between them. As such, respondent No.2 does not want to take any action in the FIR.

[4] On 04.07.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 10.07.2024 received from Additional Sessions Judge-cum-Judge, Special Court, SAS Nagar, Mohali forwarded through the office of District and Sessions Judge, SAS Nagar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. As per the report, statements of the complainant-XXXX d/o Late Sh. Hakam Singh and petitioner have been recorded. The complainant has no objection in case the present FIR is quashed. There is only 1 complainant and two accused namely Gurpreet Singh @ Sunny Dhillon and other accused namely Sumit Pal Khera. Statement of the concerned Investigating Officer-ASI Baljinder Singh has also been recorded. Accused Sumit Pal Khera has been discharged vide order dated 09.05.2024 passed by the learned predecessor of this Court. The petitioner has not been declared as 'Proclaimed Offender'.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has confirmed that challan was presented against both the accused namely Gurpreet Singh @ Sunny Dhillon and Sumit Pal Khera. However, subsequent to the presentation of the challan, accused Sumit Pal Khera was discharged by the trial Court vide order dated 09.05.2024.

[7] Keeping in view the fact that the compromise between the parties is



genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543 and the decision of Hon'ble the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No.232 dated 02.11.2017 registered at Police Station Phase-1, District SAS Nagar (Mohali) under Section 376 IPC (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

[10] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.08.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No