



302 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20903-2024 (O&M)

Date of decision: 04.07.2024

MANN SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chandan Singh Rana, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. V.K. Pujara, Advocate
for respondents No. 2 to 4.

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.83, dated 23.06.2019 registered under Sections 323, 341, 506, 148, 149 and 427 of Indian Penal Code (Sections 452 and 354-B of IPC were added later on) at Police Station Mehraban, District Ludhiana along with all consequential proceedings arising therefrom, on the basis of compromise dated 19.04.2024 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 30.04.2024:

“This petition has been filed for quashing of FIR No.83, dated 23.06.2019 registered under Sections 323, 341, 506, 148, 149 and 427 of IPC (Sections 452 and 354-B of IPC were added later on) at Police Station Mehraban, District Ludhiana along with all consequential proceedings arising therefrom, on the basis of compromise dated 19.04.2024 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.



Notice of motion.

Mr. Satjot Singh, A.A.G., Punjab accepts notice on behalf of respondent No.1-State and Ms. Mandeep Kaur, Advocate accepts notice on behalf of respondents No.2 to 4 and has filed her vakalatnama. The same is taken on record. She has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Duty Magistrate/trial Court on 20.05.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 04.07.2024.”

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. Learned counsel for the petitioners submits one of the co-accused namely Kuldeep Singh is not one of the petitioners as he is residing abroad and in view of the law laid down by Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589***

and this Court in *Parmambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*, partial compromise is permissible.

5. 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.83, dated 23.06.2019 registered under Sections 323, 341, 506, 148, 149 and 427 of Indian Penal Code (Sections 452 and 354-B of IPC were added later on) at Police Station Mehraban, District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 04, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No