

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279

CRM-M No. 21817 of 2023
Date of Decision: 29.01.2024

Jagtar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Sanjeev Kumar, 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. 0003 dated 22.02.2022 registered under Sections 452, 324, 323, 427, 506, 336, 148, 149 IPC, 1860 and lateron added Section 326 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Rawalpindi, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise dated 27.03.2023.

2. The following order was passed on 04.07.2023:

“This petition has been filed for quashing of FIR No.3 dated 22.02.2022, registered under Sections 452, 324, 323, 427, 506, 336, 148 and 149 IPC; Section 326 IPC (added later on) and Sections 25 and 27 of the Arms Act, at Police Station Rawalpindi, District Kapurthala, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 27.03.2023 (Annexure P-2), arrived at between the parties.

Vide order dated 01.05.2023 passed by a Coordinate Bench of this Court, the trial Court/Illaq

Magistrate had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the learned Judicial Magistrate, 1st Class, Phagwara, has submitted a report, vide letter dated 03.07.2023, which indicates that the parties had not appeared before the Magistrate for getting their statements recorded with regard to the validity of the compromise.

At this stage, learned counsel appearing for the petitioner and learned counsel for respondent No.2 submit that due to some family problem, the parties could not appear before the Court below for getting their statements recorded and that the compromise is still intact. They pray that one more opportunity be granted to the parties to appear before the Court below for getting their statements recorded with regard to the compromise.

In view of the above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court/Duty Magistrate on 20.07.2023 or any other date convenient to the Court below, for getting their statements recorded with regard to the compromise, in terms of the order dated 01.05.2023 passed by a Coordinate Bench of this Court.

Awaiting report of the Court below, adjourned to 16.08.2023.”

3. The petitioner and private respondents had appeared before the Judicial Magistrate Ist Class, Phagwara and got their statement recorded in support of the compromise. The report dated 10.08.2023 has been received from the Judicial Magistrate Ist Class, Phagwara to the effect that the compromise between the parties is genuine, voluntarily and without any pressure or coercion or undue influence. It is a case of partial compromise with some of the accused.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256, Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat**

and Another 2012(4) RCR (Crl.) 589, 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. 0003 dated 22.02.2022 registered under Sections 452, 324, 323, 427, 506, 336, 148, 149 IPC, 1860 and lateron added Section 326 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Rawalpindi, District Kapurthala and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

29.01.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No