

CRM-M-23370-2023
Date of decision: 21.02.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Vishnu Goel, Advocate for
Mr. S.S. Bairagi, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.85 dated 17.04.2021 registered under Sections 323, 34, 325, 148, 149, 379-B, 452 and 506 IPC and Section 3(2)(va) of SC/ST Act at Police Station Nigdhu, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

2. The following order was passed on 18.05.2023

“The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR (Annexure P-1) along with subsequent proceedings arising out therefrom on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Sumit S. Bairagi, Advocate puts in appearance on behalf of respondent No.2 and has filed power of attorney, which is ordered to be taken on record and has further stated that he/she has no objection if this petition is allowed.

On the asking of this Court, Mr. Chaman Lal Pawar, Addl. A.G. Punjab accepts notice on behalf of the State.

*In the light of the no objection on behalf of counsel for respondent No.2, the parties are directed to appear before the learned trial court/Illaq Magistrate on **10.7.2023** or any other date convenient to the Court and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -*

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 5. Total number of victims and their names.*

*To come up on **26.9.2023** for awaiting the report.*

The State counsel is also directed to verify about the factum of compromise by that date.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

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. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in **Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589** and this Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256**, partial compromise is permissible.

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 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* 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.85 dated 17.04.2021 registered under Sections 323, 34, 325, 148, 149, 379-B, 452 and 506 of IPC and Section 3(2)(va) of SC/ST Act at Police Station Nigdhu, District Karnal (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

February 21, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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