



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

285

CRM-M-24402-2024

Date of decision: 22.07.2024

Usman @ Usman Suhail and another**....Petitioners****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present : None for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

None for respondents No.2 and 3.

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.100 dated 17.09.2023 under Sections 363 and 366-A of IPC registered at Police Station City II Malerkotla, District Malerkotla (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 15.04.2024 (Annexure P-2).

2. The following order was passed on 30.05.2024:

“Learned State counsel has submitted that cancellation report as prepared by the Investigating agency had not been accepted by the trial Court and matter has been sent for reinvestigation.

In view of the fact that a compromise has been effected between the parties, the parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court/Duty Magistrate on 07.06.2024 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 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 person(s), in this 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 08.07.2024.”

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. 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.100 dated 17.09.2023, under Sections 363 and 366-A of IPC registered at Police Station City II Malerkotla, District Malerkotla (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, *qua* the petitioners.

(HARPREET SINGH BRAR)
JUDGE

22.07.2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No