

306 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-33554-2021 (O&M)
Date of Decision: 21.02.2024

PARDEEP SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Rishabh Singla, AAG Punjab.

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. 54 dated 22.07.2021 registered under Sections 306/120-B of Indian Penal Code at Police Station Balianwali, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise 02.08.2021 (Annexure P-2).

2. The following order was passed on 20.04.2023:

"CRM No.38696 of 2021

Application seeking pre-ponement of the petition has become infructuous.

Disposed of as having been rendered infructuous.

CRM No.2561 of 2022

Application seeking deletion/removal of the name of petitioner No.1 from the array of parties as he died on 02.09.2021, is allowed.

Main Case

Learned counsel for the petitioners contends that the main accused/petitioner No.1/husband is no more, as he committed suicide on 02.09.2021. Petitioner No.2 is maternal grand mother of petitioner No.1, aged about 60 years. She is looking after two children born out of wedlock of petitioner No.1 and the deceased therein. Parties have

now settled all their disputes and a compromise dated 02.08.2021 Annexure P-2 has been entered into between them. Based on that, the instant petition for quashing of the FIR has been filed.

Notice of motion.

Mr. Jashandeep Singh, AAG Punjab has put in appearance on behalf of respondent-State and states that challan has not been filed as yet, since negotiations to settle the dispute were going on between the parties.

Mr. B.B.S. Randhawa, Advocate for Mr. Tejwinder Singh, Advocate has put in appearance on behalf of respondent No.2 to 4 and does not dispute the facts afore-stated.

Let the parties appear before the trial Court/Duty Magistrate on 10.05.2023 or any other date convenient to the Court, for recording their statements with regard to compromise.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties. The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e. 06.09.2023.”

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. However, perusal of the said report further reveals that petitioner No. 2-Paramjit Kaur @ Bhinder Kaur has passed away during the pendency of present petition.

4. In view of the above, present petition stands abated qua petitioner No. 1-Pardeep Singh and 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. 54 dated 22.07.2021 registered under Sections 306/120-B of Indian Penal Code at Police Station Balianwali, District Bathinda and all subsequent proceedings arising out of the same are quashed, qua the petitioner No. 2.

21.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No