

GURBACHAN SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lupil Gupta, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. AG Punjab.

Mr. Sumit Bhardwaj, 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. 122 dated 23.09.2020 registered under Sections 353, 186, 341, 506 of Indian Penal Code at Police Station Zira, District Ferozepur, and all subsequent proceedings arising therefrom in view of the compromise 07.07.2022 (Annexure-P2).
2. The following order was passed on 25.07.2022:

“1. Notice of motion.

2. Mr. M.S.Nagra, AAG, Punjab, waives service on behalf of respondent No. 1-State.

3. Ms. Gursharan Kaur Kailey, Advocate puts her appearance on behalf of respondent No. 2, and, files the power of attorney.

4. Before proceeding to quash FIR No. 122 dated 23.09.2020, registered at Police Station Zira, District Ferozepur, it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after his recording their respective testifications, with respect to the

voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

5. *The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.*

6. *The afore made report be ensured to be transmitted to this Court within three weeks.*

7. *For the afore purpose, list on 03.11.2022.*

8. *In view of the compromise, in respect whereof the learned Illaqa Magistrate is directed to transmit his report to this Court, therefore, he is restrained, till further orders, from taking up any further judicial proceedings, in respect of FIR (supra).”*

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 relies upon judgment passed by Division Bench of this Court in **Vinod @ Boda and Others Vs. State of Haryana and Another 2017(1) RCR (Criminal) 571** to contend that FIR can be quashed on the basis of compromise even if the complainant is a public servant.

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 (Cr1.) 1052, this petition is allowed and FIR No. 122 dated 23.09.2020 registered under Sections 353, 186, 341, 506 of Indian Penal Code at Police Station Zira, District Ferozepur and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

12.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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