

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRM-M No. 32148-2023

Date of Decision: 31.01.2024

Baldev Singh Gill and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yashasvi Kapila, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. J.S.Kang, Advocate for

Mr. Adhiraj Bhandari, 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. 0015 dated 05.03.2022 registered under Sections 323, 34, 452 and 506 of Indian Penal Code, 1860 at Police Station Fattu Dyinga, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise dated 24.05.2023 (Annexure P-2).

2. The following order was passed on 29.11.2023:

“Learned counsel for the respondent No.2 contends that statement of respondent No.2 could not be recorded in compliance of the order passed by this Court on 06.07.2023 due to some unavoidable circumstances. One more opportunity is granted to the parties to appear before the trial Court/Illaq Magistrate within 15 days for recording their statement with regard to compromise settlement.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of two weeks from today for getting their statements

recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) How many total accused are facing the trial;*
 - (ii) Whether any of the accused was declared proclaimed offender at any stage of trial;*
 - (iii) Status/stage of the trial/case;*
 - (iv) To record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
 - (v) To record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above. Report be sent through District and Sessions Judge, before the next date of hearing.*
- Adjourned to 31.01.2024.”*

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. 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. 0015 dated 05.03.2022 registered under Sections 323, 34, 452 and 506 of Indian Penal Code, 1860 at Police Station Fattu DHINGA, District Kapurthala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

31.01.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE