

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

CRM-M-33914-2023

Date of decision: 22.04.2024

ARJAN SINGH AND ANOTHER

....PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Atinderpal Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Loverpreet Singh, 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. 118 dated 03.06.2023 registered under Sections 323/354-B/451 and 341 read with Section 34 of Indian Penal Code at Police Station Tibba, District Ludhiana (Annexure P-2) and all subsequent proceedings arising therefrom in view of the compromise dated 17.06.2023 (Annexure P-1).

2. The following order was passed on 17.07.2023:-

“By way of the instant petition, the petitioners have sought the quashing of the FIR bearing No.118 dated 03.06.2023 registered at Police Station Tibba, District Ludhiana, under Sections 323, 354-B, 451 & 341 read with Section 34 IPC as well as all other subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise in respect of their dispute in the present case.

Learned counsel appearing for the petitioners, inter-alia, contends that the subject FIR had been got registered due to some misunderstanding between the parties and now, due to the intervention of the respectables, they have arrived at a compromise qua their dispute in this case and the said compromise would promote peaceful, harmonious and cordial relations between them.

Notice of motion.

Mr. Kunwarbir Singh, learned Assistant Advocate General, Punjab, who has appeared on behalf of respondent No.1-State in this case in pursuance of the copy of the instant petition having been sent to this respondent in advance, accepts the notice.

At this stage, Mr. Jasmeet Singh, Advocate, has also put in appearance on behalf of respondent No.2-complainant in the present petition and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of the said respondent and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 29.08.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 03.11.2023 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/ aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.

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. 118 dated 03.06.2023 registered under Sections 323/354-B/451 and 341 read with Section 34 of Indian Penal Code at Police Station Tibba, District Ludhiana (Annexure P-2) and all subsequent proceedings arising therefrom in view of the compromise dated 17.06.2023 (Annexure P-1), all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

22.04.2024
Anu

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |