

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(245)

CRM-M-34864-2023
Date of Decision: 02.04.2024

Charanjit Singh @ Channi and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Jameel, Advocate, for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Pushp Jain, Advocate, for
Ms. Suman Kumari, Advocate, for the respondents No.2 & 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. 157 dated 07.08.2022 registered under Sections 452, 354, 324, 323 and 506 read with Section 34 of Indian Penal Code, at Police Station Amargarh, District Malerkotla, along with all the subsequent proceedings arising therefrom in view of the compromise dated 15.07.2023 (Annexure P-2).
2. The following order was passed on 22.09.2023:
- “By way of the instant petition, the petitioners have sought the quashing of the FIR bearing No.157 dated 07.08.2022 registered at Police Station Amargarh, District Malerkotla, under Sections 452, 354, 324, 323 and 506 read with Section 34 IPC, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.*

Learned counsel for the petitioners, inter-alia, contends that the petitioners and respondents No.2 and 3 are co-villagers and are known to one another since long and the subject FIR had been got registered due to the dispute arisen out of some misunderstanding amongst them but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said settlement/compromise would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

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

At this stage, Ms. Suman Kumari, Advocate has put in appearance on behalf of respondents No.2 and 3 in this case and has submitted her Power of Attorney in the Court today and the same is taken on the record. She accepts the notice on behalf of her clients 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 18.10.2023 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 11.12.2023 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 aswell 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 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 (Cr1.) 1052**, this petition is allowed and FIR No. 157 dated 07.08.2022 registered under Sections 452, 354, 324, 323 and 506 read with Section 34 of Indian Penal Code, at Police Station Amargarh, District Malerkotla, and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

02.04.2024
anil

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