

CRM-M No.34893-2023 (O&M) 1

2024:PHHC:013691

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261+123

CRM-M No.34893-2023 (O&M)
Date of Decision: 31.01.2024

Sudarsanan Pillai T and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev K. Sharma, Advocate for
Mr. S.K.Choudhary, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.
Mr. G.S.Bhinder, Advocate for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

CRM-50455-2023

This is an application filed by the petitioner under Section 482 Cr.P.C for placing on record the amended head note and prayer clause in the present petition.

In view of the averments made in the application, the same is allowed and the amended head note and prayer clause are taken on record.

Registry is directed to do the needful.

CRM-M No.34893-2023

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.23, dated 10.03.2023 under Sections 323, 341, 506, 427, 148, 149 IPC, registered at Police Station Shahpurkandi, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.05.2023

(Annexure P-2).

2. The following order was passed on 21.07.2023:

“Through this petition, the petitioner seeks quashing of FIR No.23, dated 10.03.2023 under Sections 323, 341, 506, 427, 148, 149 IPC, registered at Police Station Shahpurkandi District Pathankot (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.05.2023 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, has put in appearance and accepts notice on behalf of respondent No.1 on the strength of advance notice served on him.

At this stage, Mr. G.S. Bhinder, Advocate, has put in appearance on behalf of respondent No.2 and filed his memorandum of appearance, which is taken on record.

Both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 01.08.2023 or any other date convenient to the trial Court/Duty Magistrate. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the trial Court/Duty Magistrate.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The State to file status report before the next date.

Adjourned to 22.11.2023.”

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.23, dated 10.03.2023 under Sections 323, 341, 506, 427, 148, 149 IPC, registered at Police Station Shahpurkandi District Pathankot (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

31.01.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No