

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-41055-2021 (O&M)
Date of Decision: 13.02.2024

SARVJIT SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Derabassi, Advocate
for the petitioner.

Mr. Madhur Sharma, DAG Punjab.

Ms. Anu Bala Garg, 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. 09 dated 25.02.2019 registered under Sections 353, 186, 341, 332, 506 of Indian Penal Code (Sections 148 and 149 of IPC deleted later on) at Police Station Handesra, District SAS Nagar and all subsequent proceedings arising therefrom in view of the compromise dated 21.09.2021 (Annexure P-2).

2. The following order was passed on 25.05.2023:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.09 dated 25.02.2019 under Sections 353/186/341/332/506 of IPC (Sections 148/149 of IPC deleted later on), registered at Police Station Handesra, District SAS Nagar (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 21.09.2021 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab puts in appearance and accepts notice on behalf of respondent

No.1-State and seeks time to file reply, if any.

At this stage, Ms. Anu Bala Garg, Advocate puts in appearance on behalf of respondent No.2. Copy of the paper book be supplied during the course of the day.

Learned counsel for respondent No.2 affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaqa Magistrate, as the case may be, on 03.05.2023 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 01.08.2023.”

3. In compliance of the above order, 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 petitioner relies upon judgment passed by Division Bench of this Court in **Vinod @ Boda and Others Vs. Stater 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.

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 and Vinod @ Boda and Others Vs. Stater of Haryana and Another 2017(1) RCR (Criminal) 571, this petition is allowed and FIR No. 09 dated 25.02.2019 registered under Sections 353, 186, 341, 332, 506 of Indian Penal Code (Sections 148 and 149 of IPC deleted later on) at Police Station Handesra, District SAS Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

13.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No