

CRM-M-42067-2023

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-42067-2023 (O&M)

Date of Decision: 05.02.2024

RAKESH KUMAR

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Komal Preet Kaur, Advocate for
Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

None 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. 114 dated 28.09.2022 registered under Sections 379-B and 120-B of Indian Penal Code and Section 25 of Arms Act at Police Station Division No. 3, Jalandhar and all subsequent proceedings arising therefrom in view of the compromise dated 02.08.2023 (Annexure P-2).

2. The following order was passed on 24.08.2023:

"This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.114, dated 28.09.2022, registered under Sections 379-B and 120-B IPC and Section 25 of Arms Act, at Police Station Division No.3, Jalandhar and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.08.2023.

Notice of motion.

On the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab appears and accepts notice

on behalf of the respondent-State and Mr. G.S. Rawat, Advocate appears on behalf of respondent No.2 and admit that the compromise has been effected between the parties.

In view of the submissions made on behalf of the parties, they are directed to appear before the Illaqa Magistrate for recording their statements qua the compromise within a period of 15 days.

The trial Court/Illaqa Magistrate is directed to record the statements of the parties and 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 offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 19.10.2023.”

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**

(Cr1.) 1052, this petition is allowed and FIR No. 114 dated 28.09.2022

registered under Sections 379-B and 120-B of Indian Penal Code and Section 25 of Arms Act at Police Station Division No. 3, Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

05.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No