

250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44245-2023
Date of decision: 29.02.2024

GURBINDER SINGH @ BUBBY AND OTHERS
V/S
...PETITIONERS

STATE OF PUNJAB AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Anantdeep Singh Sandhu, Advocate for
Mr. Gursharan Singh, Advocate
for respondent No.2 and 3.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of GD No.033 dated 08.06.2019 registered under Sections 323/148/149 Indian Penal Code at Police Station Gidderbaha, District Sri Muktsar Sahib in FIR No.0064 dated 08.06.2019 registered under Sections 324, 323, 148 and 149 IPC and Section 22 of NDPS Act, 1985 (Annexure P-2) and all subsequent proceedings arising therefrom in view of the compromise dated 17.02.2022 (Annexure P-3).

2. The following order was passed on 29.01.2024 :-

“This is a petition that has been filed seeking quashing of GD No.033 dated 08.06.2019 registered under Sections 323, 148, 149 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib in FIR No.0064 dated 08.06.2019 under Section 324, 323, 148, 149 IPC and Section 22 of the NDPS Act registered at Police Station

Gidderbaha, District Sri Muktsar Sahib on the basis that a compromise has been entered into between the parties.

Notice of motion.

At this stage, on the asking of the Court, Mr. Subhash Godara. Addl. A.G., Punjab, accepts notice on behalf of respondent-State and Mr. Gursharan Singh, Advocate accepts notice for respondents No.2 & 3 and files his memorandum of appearance, which is taken on record. Learned counsel for respondents No.2 & 3 admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Parties are directed to appear before the learned trial Court/Illaqa Magistrate with a period of two weeks or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against the petitioners herein on or before the date fixed i.e. 29.02.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

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 GD No.033 dated 08.06.2019 registered under Sections

323/148/149 Indian Penal Code at Police Station Gidderbaha, District Sri Muktsar Sahib in FIR No.0064 dated 08.06.2019 registered under Sections 324, 323, 148 and 149 IPC and Section 22 of NDPS Act, 1985 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 29, 2024
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(HARPREET SINGH BRAR)
JUDGE

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