

CRM-M-43234-2023
Date of decision: 30.01.2024

GURMIT SINGH ALIAS GURMEET SINGH
V/S

...PETITIONER

STATE OF PUNJAB AND ANOTHER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parshant Bansal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Sandeep Sharma, Advocate for
Mr. Sumit Dua, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.141 dated 20.08.2013 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom including judgments of convictions dated 18.12.2021 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Kharar and dated 04.07.2023 passed by learned Additional Sessions Judge, SAS Nagar (Annexure P-3) in view of the compromise dated 25.08.2023 (Annexure P-6).

2. The following order was passed on 01.09.2023 :

“This is a petition under Section 482 Cr.P.C. for quashing of case FIR No.141 dated 20.08.2013, under Sections 406, 420 and 120-B IPC, registered at Police Station Kharar, District SAS Nagar and all other

subsequent proceedings arising therefrom, including the conviction and sentence and thereafter the appeal there against on the basis of compromise dated 25.08.2023 (Annexure P-6).

Learned counsel for the petitioner inter alia submits that against the impugned judgments of conviction and sentence, a revision petition is pending in this Court. The parties have amicably buried their hatchet and with the intervention of respectable effected a compromise.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, puts in appearance on behalf of respondent No.1-State and waives service.

Mr. Sumit Dua, Advocate puts in appearance on behalf of respondent No.2, and has filed his power of attorney, which is taken on record. He submits that the parties have entered into a compromise which has been reduced into writing dated 25.08.2023 (Annexure P-6). It is further submitted that in view of the same and in order to maintain cordial relations amongst themselves, the complainant does not wish to prosecute the petitioner and has no objection to the FIR and all consequential proceedings being quashed, as prayed for in the above noticed petition.

In view of the above, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate/Duty Magistrate for recording their statements on 11.09.2023 or any other date convenient to the concerned Court. 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 Court at the time of recording statement of the parties.

The concerned Court 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.

List on 18.10.2023.”

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 (Crl.) 1052*, this petition is allowed and FIR No.141 dated 20.08.2013 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom including judgments of convictions dated 18.12.2021 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Kharar and dated 04.07.2023 passed by learned Additional Sessions Judge, SAS Nagar (Annexure P-3) and all remaining subsequent proceedings arising out of the same are quashed, qua the petitioner. The petitioner is acquitted of the charges framed and his bail bonds and surety bonds also stand discharged.

January 30, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No