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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46170-2022 (O&M)
Date of decision: 03.05.2024

HARJINDER SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhmeet Singh, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Liaqat Ali, 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 cross case registered vide GD No. 39 dated 23.11.2019 under Sections 341/324/506/427/148/149 of Indian Penal Code at Police Station Haibowal, District Police Commissionerate, Ludhiana in FIR No. 266 dated 19.11.2019 registered under Sections 323/324/341/427/506/148/149 of Indian Penal Code (Sections 325/326/354-A of IPC added later on) at Police Station Haibowal District Police Commissionerate Ludhiana Kot and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2022 (Annexure P-3).

2. The following order was passed on 07.12.2022:

“The petitioners have filed the present petition seeking quashing of cross case registered vide GD No.39 dated 23.11.2019, under Sections 341, 324, 506, 427, 148, 149 IPC, at Police Station Haibowal, District Police Commissionerate, Ludhiana in FIR No.266 dated 19.11.2019 under Sections 323, 324, 341, 427, 506, 148, 149 IPC (Sections 325, 326, 354-A IPC added lateron) registered at Police Station Haibowal, District Police Commissionerate Ludhiana Kot and all consequential proceedings arising therefrom on the basis of the compromise dated 17.09.2022 (Annexure P-2).

Learned counsel for the petitioners has submitted that the parties have compromised the matter and as such, the present FIR is liable to be quashed.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1 and Mr. Liaqat Ali, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 28.03.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 20.12.2022 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It shall also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

3. In compliance of the aforesaid 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 cross case registered vide GD No. 39 dated

23.11.2019 under Sections 341/324/506/427/148/149 of Indian Penal Code at Police Station Haibowal, District Police Commissionerate, Ludhiana in FIR No. 266 dated 19.11.2019 registered under Sections 323/324/341/427/506/148/149 of Indian Penal Code (Sections 325/326/354-A of IPC added later on) at Police Station Haibowal District Police Commissionerate Ludhiana Kot and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 03, 2024
Ajay Goswami

(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No