

CRM-M-55424-2022 (O & M)
Date of decision: 04.04.2024

...PETITIONERS

V/S

...RESPONDENTS

Present: Mr. Gaurav Sharma, Advocate for
Mr. Ashish Verma, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Anil Gupta, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

CRM-55424 of 2022

The instant application has been filed to implead the injured Harjinder Kaur as respondent No.3.

For the reasons mentioned in the application, same is allowed.

Injured Harijinder Kaur is directed to be impleaded as respondent No.3.

Amended memo of parties is taken on record.

MAIN CASE

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of cross case bearing G.D. No.48 dated 02.11.2019 registered under Sections 452, 323, 148, 149, 354, 427 and 506 of the Indian Penal Code, 1860 (Annexure P-1) in FIR No.191 dated 02.11.2019 at Police Station Anaj Mandi, District Patiala (Annexure P-2), along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 24.12.2019 (Annexure P-3), arrived at between the parties.

2. The following order was passed on 01.12.2022 :-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of cross case under Sections 452, 323, 148, 149, 354, 427 and 506 of the Indian Penal Code, 1860 registered vide G.D. No.48 dated 02.11.2019, Annexure P-1, in FIR No.191 dated 02.11.2019 at Police Station Anaj Mandi, District Patiala, Annexure P-2, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 24.12.2019, Annexure P-3, arrived at between the parties.

While making a reference to judgement dated 16.08.2022, Annxure P-4, passed by this Court, counsel for the petitioners submits that FIR No.191 dated 02.11.2019, Annexure P-2, lodged at Police Station Anaj Mandi, District Patiala has been quashed by this Court on the basis of a settlement between the parties. Counsel submits that the instant proceedings arise out of cross version lodged by complainant-respondent No.2, which has also been amicably settled.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of State-respondent No.1. Upon instructions received from ASI, Rajinder Kumar, he submits that matter is under investigation.

Mr. Vivek Aggarwal, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has no objection in case the prayer made in the petition is accepted.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 05.01.2023 or on any day thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*

5. whether any other criminal case is pending against the accused.

Report of the Area Magistrate/Trial Court be awaited for 17.05.2023.”

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. A perusal of the file shows that cross case between the same parties has already been quashed by this Court vide judgment dated 16.08.2022 in case bearing No.CRM-M-2968 of 2020 titled as **Manpreet Singh @ Mani and others vs. State of Punjab and another** (Annexure P-4).

5. 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 bearing G.D. No.48 dated 02.11.2019 registered under Sections 452, 323, 148, 149, 354, 427 and 506 of the Indian Penal Code, 1860 (Annexure P-1) in FIR No.191 dated 02.11.2019 at Police Station Anaj Mandi, District Patiala (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

6. Pending application(s), if any, also stand(s) disposed of.

April 04, 2024
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(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No