

CRM-M-49056-2024 (O&M)

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233(2)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49056-2024 (O&M)

Date of Decision: 04.11.2024

MOHD. IMTIAZ AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Kumar, Advocate for
Mr. Karan Singh Rana, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

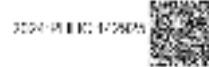
Mr. Imran Farooqi, Advocate
for respondent No. 2.

Harpreet Singh Brar J.(Oral)

1. This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of DDR No. 28 dated 24.02.2020 filed under Sections 452, 323, 34 of Indian Penal Code registered at Police Station City-II Malerkotla, District Sangrur (Now District Malerkotla) (Annexure P-2) arising out of FIR No. 23 dated 23.02.2020 registered under Sections 452, 354, 324, 323 and 34 of Indian Penal Code at Police Station City-II Malerkotla, District Sangrur (Now District Malerkotla) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 01.05.2024 (Annexure P-3).

2. The following order was passed on 01.10.2024:

*“Both these petitions have been filed under
Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*



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seeking quashing of FIR No.23 dated 23.02.2020 under Sections 452, 354, 324, 323, 34 of the Indian Penal Code, 1860 (for short 'IPC') and its cross-version case bearing DDR No.28 dated 24.02.2020 under Sections 452, 323, 34 of IPC, both registered at Police Station City-II Malerkotla, District Sangrur (now District Malerkotla) along with all subsequent proceedings arising therefrom on the basis of compromise dated 01.05.2024.

Notice of motion for 04.11.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Naveen Kumar, Advocate for Mr. Karan Singh Rana, Advocate accepts notice for respondents No.2 & 3 in CRM-M-49056-2024 and Mr. Imran Farooqi, Advocate accepts notice on behalf of respondent No.2 in CRM-M-49038-2024. They undertake to file their respective Vakalatnamas in the Registry on or before the date fixed. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

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

Photocopy of this order be placed on the file of connected case."

3. Vide order dated 29.10.2024, parties were again directed for getting their statements recorded in support of the compromise.

4. In compliance of the aforesaid orders, 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.

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 DDR No. 28 dated 24.02.2020 filed under Sections 452, 323, 34 of Indian Penal Code registered at Police Station City-II Malerkotla, District Sangrur (Now District Malerkotla) (Annexure P-2) arising out of FIR No. 23 dated 23.02.2020 registered under Sections 452, 354, 324, 323 and 34 of Indian Penal Code at Police Station City-II Malerkotla, District Sangrur (Now District Malerkotla) (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

04.11.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No