

CRM-M-50892-2023

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-50892-2023 (O&M)

Date of Decision: 18.03.2024

VISHAL @ DAVID AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Liaqat Ali, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Vikrant Kaundal, 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 FIR No. 94 dated 05.05.2019 registered under Sections 323, 324 and 34 of Indian Penal Code at Police Station City Phagwara, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise dated 07.07.2020 (Annexure P-2).

2. The following order was passed on 22.02.2024:

“Learned State counsel has filed status report dated 06.12.2023 by way of affidavit of Jaspreet Singh, PPS Deputy Superintendent of Police, SubDivision, Phagwara Kapurthala. The same is taken on record.

Learned counsel for the petitioners submits that in compliance of the order dated 09.10.2023, the parties could not appear before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise, due to some unavoidable circumstances and he seeks one more opportunity to comply with the order dated 09.10.2023.

In the interest of justice, one more opportunity is granted to the parties to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded in the same terms as directed in the order dated 09.10.2023.

Report of the Illaq Magistrate/trial Court be awaited for 18.03.2024.”

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 FIR No. 94 dated 05.05.2019 registered under Sections 323, 324 and 34 of Indian Penal Code at Police Station City Phagwara, District Kapurthala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

18.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No