

117+220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52920-2022 (O & M)
Date of decision: 22.03.2024

REENA MEHTA AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

None for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.367 dated 10.12.2019 under Sections 307, 353, 186, 506 of IPC registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2020 (Annexure P-2).

2. The following order was passed on 22.02.2024 :-

“This is an application under Section 482 of Cr.P.C. seeking extension of time to record the statements of the parties before the learned trial Court in support of the compromise.

Learned counsel for the applicants submits that due to some unavoidable circumstances, the parties could not appear before the learned trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise and seeks one more opportunity for complying with the order dated 15.01.2024.

In the interest of justice, last opportunity is granted to the parties for appearing 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 regarding the compromise in the same terms as mentioned in the order dated 25.05.2023, subject to payment of cost amounting to Rs. 10,000/- to be paid in PGIMER Poor Patient Welfare Fund, Chandigarh.

Report of learned Illaqa Magistrate/trial Court be awaited for 22.03.2024.”

3. Learned counsel for the petitioners *inter alia* contends that the perusal of the record would indicate that no offence under Section 307 of Indian Penal Code is made out. In this regard reliance is placed on the judgment passed by the Hon’ble Supreme Court of India in case of ***The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688.***

4. 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.

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 FIR No.367 dated 10.12.2019 under Sections 307, 353, 186, 506 of IPC registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

March 22, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |