

CRM-M-48831-2024
Date of decision: 10.12.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. Rajinder Sharma, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

None for respondent No.2.

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0068 dated 09.07.2024, under Sections 312/315/316 IPC, 1860 and Sections 88, 91, 92 of BNS (added later on) registered at Police Station Dhariwal, District Gurdaspur (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of compromise dated 14.09.2024 (Annexure P-4).

2. The following order was passed on 30.09.2024 :-

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-2) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At this stage, Mr. Adhiraj Singh, AAG, Punjab has put in appearance on behalf of respondent No 1 State of Punjab and accepts notice.

Mr. Ritesh Pandey, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.



The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioner shall appear before the trial Court/Illaqa Magistrate concerned on 15.10.2024 or any date thereafter as fixed by trial Court/Illaqa Magistrate for recording statement of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.



- (ii) *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) *Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court before the next date of hearing i.e. 14.11.2024.”

3. Thereafter, on 14.11.2024, the parties were again directed to appear before the jurisdictional/Illaq Magistrate on 22.11.2024. 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.

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.0068 dated 09.07.2024, under Sections 312/315/316 IPC, 1860 and Sections 88, 91, 92 of BNS (added later on) registered at Police Station Dhariwal, District Gurdaspur (Annexure P-2) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

December 10, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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