

272(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-53151-2023 (O&M)

Date of Decision: 19.02.2024

BALWINDER LAL AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the parties.

1. In view of the resolution passed by Punjab and Haryana High Court Bar Association, there is no representation on behalf of the parties, however, a perusal of the pleadings would indicate that the present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0181 dated 22.10.2021 registered under Sections 323, 427, 379, 148 and 149 of Indian Penal Code at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise dated 25.08.2023 (Annexure P-4).

2. The following order was passed on 18.10.2023:

"This petition has been filed under Section 482 Cr.P.C. for quashing of case FIR No.0181 dated 22.10.2021 under Sections 323, 427, 379, 148 & 149 of Indian Penal Code, 1860 registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-2) and subsequent proceedings arising therefrom, on the basis of compromise dated 25.08.2023 (Annexure P-4) arrived at between the parties.

Learned counsel for the petitioners contends that the parties have compromised the matter and as such, present FIR is liable to be quashed.

Notice of motion returnable for 12.12.2023.

Mr. Sarabjit Singh Cheema, DAG, Punjab, puts in appearance on behalf of respondent No.1-State.

Mr. M.K. Bali, Advocate, puts in appearance on behalf of respondent No.2 and has filed his Power of Attorney in Court, which is taken on record.

Learned counsel for respondent No.2-complainant has endorsed the averments made by learned counsel for the petitioners and acknowledged the factum of compromise between the parties.

In view of the above, both parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 24.10.2023 or any other date convenient to the trial Court/Duty Magistrate. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the trial Court/Duty Magistrate.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Illaq Magistrate/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/ complainants are there in the FIR.*

A copy of the statements so recorded be also sent along with the report.

State to file reply/status report by the next

date.”

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. 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. 0181 dated 22.10.2021 registered under Sections 323, 427, 379, 148 and 149 of Indian Penal Code at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

19.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No