

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-55440 of 2023
Date of Decision: February 01, 2024

Bharat Bhushan and others
.....Petitioners
versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Rahul Garg, Advocate
for the petitioners

Mr. Subhash Godara, Addl. A.G. Punjab

Mr. Atinderpal Singh, Advocate for
Mr. Naveen Batra, Advocate
for respondents No. 2 and 3

Harpreet Singh Brar, J. (Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of DDR No.27(A) dated 14.12.2015 (Annexure P-1) under Sections 324, 34 of IPC in case FIR No.101 dated 05.12.2015 lodged under Section 379, 383, 341, 148, 149 of IPC 1860 registered at Police Station Haryana, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise dated 12.10.2023 (Annexure P-2)

2. The following order was passed on 06.11.2023:

“The petitioner has filed the present quashing petition in DDR No.27(A) dated 14.12.2015 (Annexure P-1) under Sections 324, 34 of IPC in case FIR No.101 dated 05.12.2015 lodged under Section 379, 383, 341, 148, 149 of IPC 1860 registered at Police Station Haryana, District Hoshiarpur.

Notice of Motion.

On asking of the Court, Mr. Mohit Thakur, AAG, Punjab accepts notice on behalf of respondent No.1-State.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of 15 days for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(1), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 20.12.2023.”

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 DDR No.27(A) dated 14.12.2015 (Annexure P-1) under Sections 324, 34 of IPC in case FIR No.101 dated 05.12.2015 lodged under Section 379,

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383, 341, 148, 149 of IPC 1860 registered at Police Station Haryana, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

February 01, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No