

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-55887-2023 (O&M)
Date of Decision: 13.02.2024

MALKEET SINGH @ MALKIT SINGH AND OTHERS
...Petitioners
V/S

STATE OF PUNJAB AND OTHERS
...Respondents
CRM-M-55712-2023 (O&M)
Date of Decision: 13.02.2024

GURMAIL SINGH AND OTHERS
...Petitioners
V/S

STATE OF PUNJAB AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nishant Sehgal, Advocate
for Mr. Karanjeet Singh Brar, Advocate
for the petitioners in CRM-M-55712-2023 and
for respondents No. 2 to 4 in CRM-M-55887-2023.
Mr. Madhur Sharma, DAG Punjab.
Mr. Sarthak Jindal, Advocate for
Mr. Rajat Dogra, Advocate for the petitioners
in CRM-M-55887-2023 and for
respondents No. 2 to 5 in CRM-M-55712-2023.

HARPREET SINGH BRAR J. (Oral)

1. These petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 32 dated 18.03.2022 registered under Sections 323, 341, 506 and 149 of Indian Penal Code at Police Station Sangat, District Bathinda and rapat No. 007 dated 19.03.2022 registered under Sections 324, 34 of Indian Penal Code at Police Station Sangat, District Bathinda registered as cross case of the aforementioned FIR and all subsequent proceedings arising therefrom in view of the compromise dated 03.10.2023.

“These petitions have been filed under Section 482 Cr.P.C. for quashing of case FIR No.32 dated 18.03.2022 under Sections 323, 341, 506 & 149 of Indian Penal Code, 1860 registered at Police Station Sangat, District Bathinda and Rapat No.007 dated 19.03.2022 under Sections 324 & 34 of Indian Penal Code, 1860, registered at Police Station Sangat, District Bathinda and all subsequent proceedings arising therefrom, on the basis of compromise dated 03.10.2023 (Annexure P-2 in CRM-M-55887-2023) arrived at between the parties.

Learned counsel(s) for the petitioner(s) in both cases contend that the parties have compromised the matter and as such, present FIR and Rapat aforesaid are liable to be quashed.

Notice of motion returnable for 13.02.2024.

Mr. Hakam Singh, AAG, Punjab, puts in appearance on behalf of respondent No.1.

Learned counsel(s) for private respondents in both cases have endorsed the averments made by learned counsel(s) for the petitioner(s) and acknowledged the factum of compromise between the parties.

In view of the above, both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 19.12.2023 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/Illaqa 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.

Photocopy of this order be placed on the file of other connected case.”

3. In compliance of the above order, 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. 32 dated 18.03.2022 registered under Sections 323, 341, 506 and 149 of Indian Penal Code at Police Station Sangat, District Bathinda and rapat No. 007 dated 19.03.2022 registered under Sections 324, 34 of Indian Penal Code at Police Station Sangat, District Bathinda registered as cross case of the aforementioned FIR and all subsequent proceedings arising out of the same are quashed, qua the petitioners in both the cases.

(HARPREET SINGH BRAR)
JUDGE

13.02.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No