

253-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56921-2023
Date of decision: 29.02.2024

POOJA SHARMA AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Dr.(Mr.) Hardeep Singh, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of GD No.42 dated 18.11.2022 registered under Sections 452, 323, 506, 148, 149 of Indian Penal Code in case FIR No.210 dated 17.11.2022 registered under Sections 307, 341, 506, 323 and 34 of Indian Penal Code and Section 27 of Arms Act, 1959 at Police Station Division No.2, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise dated 04.09.2023 (Annexure P-4).

2. The following order was passed on 25.01.2024 :-

“This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of GD No. 42 dated 18.11.2022 registered under Sections 452, 323, 506, 148 and 149 of Indian Penal Code at Police Station Division No. 2, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise dated 04.09.2023 (Annexure P-4).

Notice of motion.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl. AG Punjab accepts notice on behalf of respondent-State and Dr. Hardeep Singh, Advocate accepts notice for respondent No. 2, filed his power of attorney and admits the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks from today or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 29.02.2024.

A copy of this order be sent to learned trial Court/Illaga Magistrate through fax for compliance.”

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. Learned State counsel submits that this is a partial compromise.

4. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in **Jayaraj Digvijaysinh Rana Vs. State of Gujrat and another 2012(4) RCR (Crl.) 589** and this Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256**, partial compromise is permissible.

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 and 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 GD No.42 dated 18.11.2022 registered under Sections 452, 323, 506, 148, 149 of Indian Penal Code in case FIR No.210 dated 17.11.2022 registered under Sections 307, 341, 506, 323 and 34 of Indian Penal Code and Section 27 of Arms Act, 1959 at Police Station Division No.2, District Pathankot and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

February 29, 2024
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(HARPREET SINGH BRAR)
JUDGE

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