

CRM-M-58820-2023

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-58820-2023 (O&M)
Date of Decision: 05.02.2024

KULWINDER SINGH
...Petitioner
V/S

STATE OF PUNJAB AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Nitish Sharma, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 139 dated 24.12.2020 registered under Sections 279, 337, 338, 427 of Indian Penal Code at Police Station City-2, Abohar, District Fazilka and all subsequent proceedings arising therefrom in view of the compromise dated 10.10.2023 (Annexure P-2).

2. The following order was passed on 22.11.2023:

"Notice of motion.

On asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab accepts notice on behalf of respondent No.1-State.

In view of the compromise (Annexure P-2) arrived at between the petitioner and the complainant/respondent No.2, let the parties appear before the trial Court/Illaq Magistrate, as the case may be, within a period of 15 days from today for getting their statements recorded with regard to the compromise. The 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.(i), (ii) and (iii) as above. Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 21.12.2023. ”

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 FIR No. 139 dated 24.12.2020 registered under Sections 279, 337, 338, 427 of Indian Penal Code at Police Station City-2, Abohar, District Fazilka and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

05.02.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No