

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59394-2023 (O&M)
Date of Decision: 13.02.2024

UGGAR SAIN AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amninder Singh Sekhon, Advocate
for the petitioners.

Mr. Madhur Sharma, DAG Punjab.

Mr. Rajveer Singh Brar, Advocate for
Mr. Vikas Sonak, Advocate for respondents No. 2 to 6.

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. 4 dated 23.01.2021 registered under Sections 420, 218, 120-B of Indian Penal Code (Sections 465, 467, 468 and 471 of IPC added later on) at Police Station Sadiq, District Faridkot and all subsequent proceedings arising therefrom in view of the compromise dated 16.10.2023 (Annexure P-3).

2. The following order was passed on 24.11.2023:

“The present petition has been filed for quashing of FIR No.4 dated 23.01.2021 registered under Sections 420, 218, 120-B IPC (Sections 465, 467, 468 and 471 IPC added later on vide DDR No.29 dated 16.05.2022) at Police Station Sadiq, District Faridkot and all subsequent proceedings on the basis of compromise.

Notice of motion for 13.02.2024.

On asking of the Court, Mr. Sandeep, Addl. Advocate General, Punjab, accepts notice on behalf of the State. Mr. Vikas Sonak, Advocate, accepts notice on behalf of the complainant-respondent Nos.2 to 6.

Learned counsel for the petitioners is directed to

supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaq Magistrate on 10.12.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.”

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

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*** and ***Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589***, ***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. 04 dated 23.01.2021 registered under Sections 420, 218, 120-B of Indian Penal Code (Sections 465, 467, 468 and 471 of IPC added later on) at Police Station Sadiq, District Faridkot and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

13.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No