

CRM-M-61153-2023
Date of decision: 02.02.2024

DALJINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kawaljeet Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Gurburab Singh, Advocate for
Mr. Tripat Singh Mann, 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 FIR No.402 dated 16.11.2023 registered under Sections 338 of Indian Penal Code and Sections 25 and 27 of Arms Act at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 24.11.2023 (Annexure P-2).

2. The following order was passed on 05.12.2023 :

“The petitioners have filed the present quashing petition in FIR No.402 dated 16.11.2023 registered under Sections 338 of Indian Penal Code and Sections 25 and 27 of Arms Act at Police Station City Faridkot District Faridkot, on the basis of compromise dated 24.11.2023(Annexure P-2).

Notice of Motion.

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

State and Mr. Tripat Singh Mann, Advocate has put in appearance on behalf of respondent No. 2, filed his Vakalatnama, which is taken on record and does not object to the prayer made by learned counsel for the petitioner.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate (petitioner through video conferencing), 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.(i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing after recording the statements of the parties

Adjourned to 02.02.2024.”

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.402 dated 16.11.2023 registered under Sections 338 of Indian Penal Code and Sections 25 and 27 of Arms Act at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

February 02, 2024
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(HARPREET SINGH BRAR)
JUDGE

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