

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-61155-2023
Date of decision:01.02.2024

AMARJIT SINGH AND ORS

..PETITIONER(S)

Versus

STATE OF PUNJAB AND ORS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.S. Bhatti, Advocate for
Mr. S.P.S. Chhakal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Ms. Khushika Setia, 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. 164 dated 09.09.2023 registered under Sections 379-B of Indian Penal Code at Police Station Salem Tabri, District Police Commissionerate Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 07.11.2023 (Annexure P-3).

2. The following order was passed on 05.12.2023:-

"Notice of motion.

On asking of the Court, Ms. Navreet K. Barnala, AAG, Punjab, accepts notice on behalf of respondent No.1-State. Ms. Khushika Setia, Advocate appears on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

Registry is directed to tag the same at an appropriate place in the file.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of four weeks from today 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.

Adjourned to 01.02.2024”.

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. 164 dated 09.09.2023 registered under Sections 379-B of Indian Penal Code at Police Station Salem Tabri, District Police Commissionerate

Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

01.02.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No