

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-61274-2023 (O&M)
Date of Decision: 02.02.2024

...Petitioner

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Komalpreet Kaur, Advocate
for Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

None 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. 47 dated 06.05.2023 registered under Sections 380 and 457 of Indian Penal Code and at Police Station Sadar Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise dated 30.11.2023 (Annexure P-2).
2. The following order was passed on 06.12.2023:

“The petitioner has filed the present quashing petition in FIR No. 47 dated 06.05.2023 registered under Sections 380 and 457 of Indian Penal Code at Police Station Sadar Gurdaspur, on the basis of compromise/affidavit dated 30.11.2023 (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. Jagir Singh, Advocate has put in appearance on behalf of respondent No. 2,

filed his power of attorney, which is taken on record and admits the factum of compromise.

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 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 statement 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 (Cr1.) 1052**, this petition is allowed and FIR No. 47 dated 06.05.2023

registered under Sections 380 and 457 of Indian Penal Code and at Police Station Sadar Gurdaspur and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

02.02.2024
Manisha

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No