

CRM-M-57282-2024 (O&M)

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245 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57282-2024 (O&M)

Date of Decision: 16.12.2024

GURSIMRAN SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohit Jaggi, Advocate for
Mr. A.P.S. Rehan, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

Mr. Sandeep Godara, Advocate for
Mr. N.K. Awasthi, Advocate for respondent No. 2.

HARPREET SINGH BRAR J.(ORAL)

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.97 dated
21.12.2020 under Sections 376/511/324/323 of IPC (Sections 376/511 of
IPC dropped and Section 354 of IPC added during the investigation)
registered at Police Station Bholath, District Kapurthala (Annexure P-1)
along with all subsequent proceedings arising therefrom on the basis of
compromise dated 16.07.2024 (Annexure P-3).

2. The following order was passed on 18.11.2024:

*“This petition has been filed under Section
528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
quashing of FIR No.97 dated 21.12.2020 under Sections
376/511/324/323 of IPC (Sections 376/511 of IPC dropped
and Section 354 of IPC added during the investigation)
registered at Police Station Bholath, District Kapurthala
(Annexure P-1) along with all subsequent proceedings*

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arising therefrom on the basis of compromise dated 16.07.2024 (Annexure P-3).

Learned counsel for the petitioner submits that offence under Section 376/511 of IPC have been deleted and Section 354 of IPC has been added vide GD No.15 dated 27.02.2021 (Annexure P-2).

Notice of motion for 16.12.2024.

At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. N.K. Awasthi, Advocate accepts notice for respondent No.2 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid 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 (CrI.) 1052**, this petition is allowed and FIR No.97 dated 21.12.2020 under Sections 376/511/324/323 of IPC (Sections 376/511 of IPC dropped and Section 354 of IPC added during the investigation) registered at Police Station Bholath, District Kapurthala (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

16.12.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No