

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-62557 of 2023
Date of Decision: February 09, 2024

Pardeep Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Ramesh Sharma, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Mr. B.S. Jaswal, Advocate
for respondent No. 2

Harpreet Singh Brar, J. (Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.198 dated 22.12.2022 under Sections 406, 420 of IPC registered at Police Station Nakodar Sadar, District Jalandhar Rural and all subsequent proceedings arising therefrom including order dated 29.09.2023 (Annexure P-2) passed by the learned Sub Divisional Judicial Magistrate, Nakodar, District Jalandhar, vide which the petitioner has been declared proclaimed person in view of the compromise dated 24.11.2023 (Annexure P-3)

2. The following order was passed on 19.12.2023:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.198 dated 22.12.2022 under Sections 406/420 of IPC registered at Police Station Nakodar Sadar, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom including order dated 29.09.2023 (Annexure P-2) passed by the learned Sub Divisional Judicial

Magistrate, Nakodar, District Jalandhar, vide which the petitioner has been declared proclaimed person, on the basis of compromise dated 24.11.2023 (Annexure P-3).

Learned counsel for the petitioner inter alia contends that the petitioner has been declared proclaimed person without following the procedure prescribed under the provision of Section 82 of Cr.P.C. and relies upon the judgment passed by this Court in ‘Major Singh @ Major Vs. State of Punjab’ 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506 and ‘Sonu Vs. State of Haryana’ 2021 (1) RCR (Crl.) 319. He further submits that now the compromise has been effected between the parties and no useful purpose would be served by sending the petitioner behind the bars.

Notice of motion.

At this stage, on the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Ankit Bhardwaj, Advocate for Mr. B.S. Jaswal, 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.

Now 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 recorded their statements 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 i.e. 09.02.2024.

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

In the meantime, operation of the impugned order dated 29.09.2023 (Annexure P-2) shall remain stayed. ”

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.198 dated 22.12.2022 under Sections 406, 420 of IPC registered at Police Station Nakodar Sadar, District Jalandhar Rural and all subsequent proceedings arising therefrom including order dated 29.09.2023 (Annexure P-2) passed by the learned Sub Divisional Judicial Magistrate, Nakodar, District Jalandhar, vide which the petitioner has been declared proclaimed person are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

February 09, 2024

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