

CRM-M-62543-2023
Date of decision: 23.02.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.191 dated 01.11.2013 registered under Section 326 of Indian Penal Code at Police Station Dasuya, District Hoshiarpur (Annexure P-1) as well as quashing of judgment of conviction and order of sentence dated 28.09.2018 passed by learned Judicial Magistrate Ist Class, Dasuya and all subsequent proceedings arising therefrom in view of the compromise dated 14.10.2023 (Annexure P-2).

2. The following order was passed on 08.01.2024 :-

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 191 dated 01.11.2013 under Section 326 of Indian Penal Code registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) as well as quashing of judgment of conviction and order of sentence dated 28.09.2018 (Annexure P-3) passed by learned Judicial Magistrate 1 Class, Dasuya on the basis of compromise dated 14.10.2023 (Annexure P-2).

Notice of motion.

At this stage, on the asking of the Court Mr. Subhash Godara, Addl. A.G. Punjab accepts notice on behalf of respondent No.1-State and Ms. Pinki Mehla, Advocate accepts notice on behalf of respondent No. 2 and files her Vakalatnama and admits to the

factum of compromise. Copy of the paper book be supplied to them during the course of day.

Learned counsel for respondent No. 2 files Special Power of Attorney on behalf of respondent No. 2 and submits that respondent No. 2 is old and infirm person of 85 years of age and he is bed ridden, as such he has authorized his son to appear before the learned trial Court/Illaq Magistrate to record the statement on behalf of his father in terms of the compromise.

In view of the prayer made by learned counsel for respondent No. 2, learned trial Court/Illaq Magistrate is directed to record the statement of respondent No. 2 through his Special Power of Attorney in support of the compromise.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks or any other date convenient to learned trial Court, 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. 23.02.2024.

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

3. In view of the resolution passed by Bar Association of Punjab and Haryana High Court, there is no representation on behalf of the parties but report has been received from the concerned jurisdictional Court and perusal of the same indicates 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.191 dated 01.11.2013 registered under Section 326 of Indian Penal Code at Police Station Dasuya, District Hoshiarpur (Annexure P-1) as well as quashing of judgment of conviction and order of sentence dated 28.09.2018 passed by learned Judicial Magistrate Ist Class, Dasuya and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

February 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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