

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-63016-2023
Date of decision:01.02.2024

RAJNISH

..PETITIONER(S)

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Raman Kumar, Advocate for
Ms. Kulwinder Kaur, 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. 0079 dated 30.08.2022 registered under Sections 279 and 337 of Indian Penal Code at Police Station Garhdiwala, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise dated 07.12.2023 (Annexure P-2).

2. The following order was passed on 14.12.2023:-

“The petitioner has filed the present quashing petition in FIR No. 0079 dated 30.08.2022 registered under Sections 279 and 337 of Indian Penal Code at Police Station Garhdiwala, District Hoshiarpur, on the basis of compromise dated 07.12.2023 (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 Ms Kulwinder Kaur, Advocate has put in appearance on behalf of respondent No. 2, filed her 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 or any date convenient to the trial Court, 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;

Report be sent through District and Sessions Judge, before the next date of hearing after recording the statement of the parties. 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. 0079 dated 30.08.2022 registered under Sections 279 and 337 of Indian Penal

Code at Police Station Garhdiwala, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

01.02.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No