

CRM-M-63752-2023
Date of decision: 15.02.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tarranum Madan, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. S.S. Kang, Advocate for
Mr. Arshdeep Singh Cheema, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.117 dated 27.07.2021 registered under Sections 406, 420, 506 and 120-B of Indian Penal Code and at Police Station Dugri, District Police Commissionerate, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 04.09.2023 (Annexure P-2).

2. Mr. S.S. Kang, Advocate for Mr. Arshdeep Singh Cheema, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. The following order was passed on 10.01.2024

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 117

dated 27.07.2021 under Sections 406, 420, 506 and 120-B of Indian Penal Code registered at Police Station Dugri, District Police Commissionerate Ludhiana (Punjab) (Annexure P-1) and all other subsequent proceedings on the basis of compromise dated 04.09.2023 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that petitioner No. 3 is presently studying abroad, as such she will not be able to appear before the concerned jurisdictional Court to depose in terms of the compromise. A prayer for recording her statement through her Power of Attorney is made.

In view of the facts and circumstances of the case, the prayer is genuine as such petitioner No. 3 is permitted to get her statement recorded through her Power of Attorney.

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.

Learned counsel for the petitioners undertakes to secure the presence of respondent No. 2 before the learned trial Court at the time of recording of the statement.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks or any other date convenient to concerned Court 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 petitioners on or before the date fixed i.e. 15.02.2024.

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

4. 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.

5. 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.117 dated 27.07.2021 registered under Sections 406, 420, 506 and 120-B of Indian Penal Code and at Police Station Dugri, District Police Commissionerate, Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 15, 2024
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(HARPREET SINGH BRAR)
JUDGE

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