

CRM-M-65346-2023
Date of decision: 23.02.2024

...PETITIONERS

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.62 dated 17.06.2023 registered under Sections 365, 34 of Indian Penal Code at Police Station Division C, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

2. The following order was passed on 05.01.2024 :-

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 62 dated 17.06.2023 under Section 365, 34 of Indian Penal Code registered at Police Station Division C, District Amritsar (Annexure P-1) on the basis that a compromise (Annexure P-2) has been entered into between the parties.

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 Mr. Amandeep Singh, Advocate accepts notice on behalf of respondents No. 2 and 3 and files his Memorandum of Appearance 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/Illaga Magistrate within two weeks, 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.62 dated 17.06.2023 registered under Sections 365, 34 of Indian Penal Code at Police Station Division C, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 23, 2024
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(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No