

282-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64987-2023
Date of decision: 31.01.2024

SIMRANJIT SINGH AND OTHERS
V/S
STATE OF PUNJAB AND OTHERS
...PETITIONERS
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawan Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Bhrigu Dutt Sharma, Advocate for
respondent Nos.2 to 4.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No.50 dated 31.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar as cross case in FIR No.184 dated 06.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar and all subsequent proceedings arising therefrom in view of the compromise dated 21.01.2023 (Annexure P-3) effected between the parties.

2. The following order was passed on 21.12.2023 :

“This is a petition that has been filed seeking quashing of DDR No.50 dated 31.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar as cross case in FIR No.184 dated 06.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar on the basis that a compromise dated 21.01.2023 (Annexure P-3) has been effected between the parties.

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. B.D. Sharma, Advocate accepts notice for respondent Nos.2 to 8 and files his memo of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Learned counsel for the petitioner inter alia contends that petitioner No.2 – Vishavpreet Singh is presently residing abroad. Therefore, he could not appear before the learned trial Court/Illaq Magistrate for recording his statement in terms of the compromise. As such, a request is made for recording his statement through his attorney.

In view of the facts and circumstances of the case, the request made by the learned counsel for the petitioner is genuine and parties have already resolved their dispute amicably. As such, parties are directed to appear before the learned 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. 01.02.2024. Further, respondent No.3 is directed to appear through his attorney to get his statement recorded as ordered above.

To be heard alongwith CRM-M-64378-2023.

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

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 DDR No.50 dated 31.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar as cross case in FIR No.184 dated 06.12.2019 registered under Sections 323, 341, 34 IPC at Police Station Division No.8, Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

January 31, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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