

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64902-2023

DATE OF DECISION: 16.02.2024

MUKESH KUMAR ALIAS RAJ AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR.

Present: - Mr. Saurabh Kapoor, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Sahil, Advocate
for respondent No.2.

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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.277 dated 16.11.2023 registered under Sections 323, 341, 506, 451, 427, 34 Indian Penal Code at Police Station Sahnewal, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 23.11.2023 (Annexure P-2).

2. The following order was passed on 22.11.2023:

“This is a petition that has been filed seeking quashing of FIR No. 277 dated 16.11.2023 registered under Sections 323, 341, 506, 451, 427, 34 IPC at Police Station Sahnewal, District Ludhiana on the basis that a compromise dated 23.11.2023 (Annexure P-2) has been effected between the parties.

Notice of motion.

At this stage, on the asking of the Court Mr. 1.P.S. Sabharwal, DAG Punjab accepts notice on behalf of respondent No.1-State and Mr. Sahil Kumar, Advocate accepts notice on behalf of respondent No. 2 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.

Service is complete.

Now, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa 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 ie. 16.02.2024.

A copy of the order be sent to the learned trial Court/Illaqa 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 FIR No.277 dated 16.11.2023 registered under Sections 323, 341, 506, 451, 427, 34 Indian Penal Code and at Police Station Sahnewal, District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

16.02.2024

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No