

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-64925-2023
Date of decision:01.02.2024**

VINAY KUMAR AND ORS**..PETITIONER(S)****Versus****STATE OF PUNJAB AND ANOTHER****...RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Subhash Kumar, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

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.244 dated 24.11.2023 registered under Sections 420, 120-B of Indian Penal Code (Section 411 IPC added later on) at Police Station Navi Baradari, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise dated 13.12.2023 (Annexure P-2).

2. Mr. Tejeshwar Singh, Advocate puts his appearance on behalf of respondent No.2 and filed his power of attorney which is taken on record.

2. The following order was passed on 22.12.2023:-

“This is a petition that has been filed seeking quashing of FIR No. 244 dated 24.11.2023 under Sections 420, 120-B of Indian Penal Code (Section 411 IPC added later on) registered at Police Station Navi Baradari, District Jalandhar on the basis that a compromise dated 13.12.2023 (Annexure P-2) 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. Copy of the paper book be supplied to him during the course of day.

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

Now, the parties are directed to appear before the learned trial Court/Ilalaqa Magistrate/Ilalaqa Magistrate within two weeks or any other date convenient to the trial Court to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Ilalaqa 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.

A copy of the order be sent to the learned trial Court/Ilalaqa 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. Learned counsel for the petitioner submits that in terms of the compromise the respondent No.2 is required to release the article/ornament in their possession to the petitioner.

5. Learned counsel for the respondent No.2 submits that respondent No.2 shall abide by the terms and conditions of the compromise.

6. 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.244 dated 24.11.2023 registered under Sections 420, 120-B of Indian Penal Code

(Section 411 IPC added later on) at Police Station Navi Baradari, District Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

01.02.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No