

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.135 dated 13.08.2023 registered under Sections 323/342/451/149 of Indian Penal Code at Police Station Shahkot, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 18.12.2023 (Annexure P-2).

2. The following order was passed on 08.01.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking 149 quashing of FIR No.135 dated 13.08.2023 under Sections 323/342/451/149 of IPC registered at Police Station Shahkot, District Jalandhar Rural (Annexure P- 1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 18.12.2023 (Annexure P-2).

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. Govind Chauhan, Advocate for Mr. Balbir Singh Jaswal, Advocate accepts notice for respondent No.2 and files his power of attorney 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 from today or any other date convenient to the trial Court/Illaqa Magistrate, 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 i.e. 23.02.2024.

A copy of the order be sent to learned trial Court/Illaqa 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.135 dated 13.08.2023 registered under Sections 323/342/451/149 of Indian Penal Code at Police Station Shahkot, District Jalandhar Rural (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

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