



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
207

CRM-M-16368-2024 (O&M)
Date of decision: 24.02.2025

Balwinder Singh @ Bitta
.....Petitioner
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Dadwal, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Suraj Kaundal, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of FIR No.71 dated 12.05.2023 registered under Sections 341, 323 IPC (Section 308 IPC added later on) at Police Station Sadar Jagraon, District Ludhiana (Rural), and all other consequential proceedings arising therefrom in view of the compromise dated 23.01.2024 (Annexure P-2).

2. The following order was passed on 04.04.2024:-

“XX XX XX XX

Learned counsel for the petitioner submitted that in the instant case the FIR in question is basically a result of a matrimonial discord between the petitioner and the



complainant i.e. respondent No.2 and that the matter has now been resolved amicably amongst the parties and they are presently staying together. It has been submitted that having regard to the fact that better sense has prevailed upon the parties and they have chosen to reside together, it will be in the fitness of things to quash the FIR so as to enable the parties to continue live together amicably.

Notice of motion for 20.9.2024.

At this stage, Mr. Suraj Kaundal, Advocate has put in appearance on behalf of respondent No.2 and has filed Power of Attorney, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioner, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*



(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date.”

3. In compliance of the aforesaid 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 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.71 dated 12.05.2023 registered under Sections 341, 323 (Section 308 IPC added later on) at Police Station Sadar Jagraon, District Ludhiana (Rural), and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

24.02.2025
yakub

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