

CRM-M-15525-2024 (O&M)

-1-

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

CRM-M-15525-2024 (O&M)

Date of Decision: 16.01.2025

MOHD. ADRIS AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Anju Sharma, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Ms. Apurva Walia, Advocate
for the respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 62 dated 05.07.2015 under Sections 323, 324, 326, 201 and 34 of Indian Penal Code registered at Police Station City Malerkotla District Sangrur (Annexure P-1) and all subsequent proceedings including the order of conviction dated 05.11.2018 passed by learned Judicial Magistrate Ist Class, Malerkotla on the basis of compromise dated 05.03.2024 (Annexure P-3).

2. The following order was passed on 01.04.2024:

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) as well as for setting aside judgment of conviction and order of sentence dated 05.11.2018 rendered by Judicial Magistrate Ist Class, Malerkotla, in respect of which an appeal is stated to be pending in the Court of learned Sessions Judge, Sangrur, on the ground that the matter has since been compromised amongst the parties.

Notice of motion for 03.09.2024.



At this stage, Mr. G.S.Sawhney, Advocate for Mr. Hitesh Rikhi, Advocate, has put in appearance on behalf of the legal heirs of respondent No.2 and filed vakalatnama, which is taken on record.

The parties are directed to move an application before the Appellate Court concerned, where appeal is pending, for getting their statements recorded qua the factum of compromise. As and when any such application is moved, the Appellate Court concerned 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 Appellate Court concerned 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 petitioners, 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. Learned counsel for the petitioners submits that one of the injured Firoz had died and other stake holders have deposed before the

learned trial Court in terms of the compromise after appearing before the jurisdictional Court in compliance of order passed by this Court.

5. 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. 62 dated 05.07.2015 under Sections 323, 324, 326, 201 and 34 of Indian Penal Code registered at Police Station City Malerkotla District Sangrur (Annexure P-1) and order of conviction dated 05.11.2018 passed by learned Judicial Magistrate Ist Class, Malerkotla along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

16.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No