



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

CRM-M-26516-2024
Date of decision: 05.03.2025

GURLAL SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Sidhu, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. A.S. Khosa, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed seeking quashing of FIR No.19 dated 07.04.2016 under Sections 452, 323, 324, 427, 506, 148 and 149 of IPC (Section 452 IPC deleted later on), registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1) and all the other consequential proceedings arising therefrom, on the basis of compromise dated 27.04.2016 (Annexure P-2).

2. The following order was passed on 24.05.2024 :-

“The present petition has been filed seeking quashing of FIR No.19, dated 07.04.2016, under Sections 452, 323, 324, 427, 506, 148 and 149 of the IPC (Section 452 IPC, deleted later on), registered at Police Station Chohla Sahib, District Tarn Taran, and all the other consequential proceedings arising therefrom, on the basis of compromise dated 27.04.2016 (Annexure P-2).

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1 and waives service.

Mr.A.S.Khosa, Advocate, has caused appearance on behalf of respondent No.2, through a validly executed power of attorney



in his favour. The same is taken on record. He submitted that he has no objection in case the FIR (supra), is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.

To come up on 31.07.2024.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

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 the compromise is not partial in nature as it has been effected with all the accused, however, one of the accused is residing abroad and he has not approached this Court and remaining accused have filed the instant petition. Further, petitioner No.2- Gurlabh Singh did not appear before learned trial Court for deposing in terms



of compromise and submits that for quashing of FIR (*supra*), consent of complainant/respondent No.2 is necessary.

5. Learned counsel for respondent No.2 submits that the complainant/respondent No.2 has no objection in case, the FIR (*supra*) be quashed qua all the accused including petitioner No.2.

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 46*, 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.19 dated 07.04.2016, under Sections 452, 323, 324, 427, 506, 148 and 149 of the IPC (Section 452 IPC deleted later on), registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

March 05, 2025
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(HARPREET SINGH BRAR)
JUDGE

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