



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

CRM-M-37774-2024
Date of decision: 06.02.2025

HARI SINGH AND OTHERS

...PETITIONERS

V/S

DARA SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akun Sheemar, Advocate
for the petitioners.

Mr. Yajur Sharma, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. By way of present petition filed under Section 528 BNSS, the petitioners are seeking quashing of complaint No.COMI/44 dated 20.09.2013 under Sections 323, 325, 355, 452, 34 IPC as well as judgment of conviction dated 27.5.2019 (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise dated 18.07.2024 (Annexure P-3)

2. The following order was passed on 06.08.2024 :-

"The petitioners have approached this Court seeking quashing of complaint No.COMI/44 dated 20.09.2013 under Sections 323, 325, 355, 452, 34 IPC as well as judgment of conviction dated 27.5.2019 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 13.09.2024.

At this stage, Mr. Yajur Sharma, Advocate, has put in appearance through video conferencing on behalf of the respondent and placed on record his power of attorney. The same is taken on record.



The parties are directed to move an application before the trial Court/Illaqa 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/Illaqa Magistrate, the trial Court/Illaqa 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/Illaqa 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, 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 complaint No.COMI/44 dated 20.09.2013 under Sections 323, 325, 355, 452, 34 IPC as well as judgment of conviction dated 27.5.2019 (Annexure P-1) and all consequential proceedings arising out of the same are quashed/set aside, qua the petitioners.

February 06, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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