



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

CRM-M-37537-2024

Date of decision: 04.02.2025

SANDEEP SINGH ALIAS SAHIB AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Mayank Manoharr Mahla, Advocate for

Mr. Sandeep Sharma, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0038 dated 01.03.2022 under Sections 324, 326, 427, 148, 149 IPC (later on charges framed under Sections 307, 324, 326, 427, 148, 149 IPC) registered at P.S. Lopoke, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 19.07.2024 (Annexure P-2).

2. The following order was passed on 05.08.2024 :-

"The Prayer in this petition under Section 482 Cr.PC is for the quashing of the FIR No.0038 dated 01.03.2022 under Sections 324, 326, 427, 148, 149 IPC (later on charges framed under Sections 307, 324, 326, 427, 148, 149 IPC) registered at P.S. Lopoke, District Amritsar Rural and all other consequential proceedings arising therefrom, on the basis of compromise dated 19.07.2024 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners contends that though Section 307 IPC has been invoked the injury in question was declared to be grievous in nature. Therefore in all probability



conviction, if at all, would be recorded under Section 326 IPC and not under Section 307 IPC.

He submits that in order to live peacefully, parties have entered into Compromise according to which, both the parties have agreed not to proceed further with the FIR in question.

*Notice of motion for **15.01.2025**.*

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1-State of Punjab whereas Mr. Sandeep Sharma, accepts notice on behalf of respondent no.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which, complainant does not wish to press the allegations alleged in the complaint any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 05.11.2024 with regard to the compromise by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

*Meanwhile, learned counsel for the petitioners as also the counsel for the State are directed to place on record the relevant medical opinion as to the nature and seat of injuries in terms of the judgments passed in the cases of '**Narinder Singh and others versus State of Punjab and another, 2014(2) RCR (Criminal)***



482’ and ‘State of Madhya Pradesh versus Laxminarayan and others, (2019) 5 SCC 688”, so that this Court can examine the medical record to see whether an offence under Section 307 IPC is made out or not.

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Society for the Care of the Blind, Sector 26, Chandigarh Account No.10506615304, IFSC Code SBIN0003246 State Bank of India, Sector 7, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”

3. Thereafter on 14.11.2024, the parties were again directed to appear before the Illaq Magistrate/Trial Court on 19.11.2024. In compliance of the aforesaid orders, 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 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.0038 dated 01.03.2022 under Sections 324, 326, 427, 148, 149 IPC (later on charges framed under Sections 307, 324, 326, 427, 148, 149 IPC) registered at P.S. Lopoke, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

February 04, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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