



**CRM-M-37713-2024 &
01 connected case**

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Sections 452, 341, 323, 506, 34 of IPC, at Police Station Sohana, District SAS Nagar (Mohali) (Annexure P-2) and all the subsequent proceedings arising therefrom, qua petitioners on the basis of compromise dated 28.07.2024 (Annexure P-3).

3. The following order was passed on 21.08.2024 :-

“Petitioner(s) filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNSS) for quashing of DDR GD no.28 dated 06.04.2016, under Sections 324, 323, 506, 34 of IPC, Police Station Sohana, District SAS Nagar (Mohali) (Annexure P-1) in FIR No.88 dated 01.04.2016, registered under Sections 452, 341, 323, 506, 34 of IPC, at Police Station Sohana, District SAS Nagar (Mohali) (Annexure P-2) and all the subsequent proceedings arising therefrom, qua petitioners, in light of the compromise effected between the parties (Annexure P-3).

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State.

Let the statements of petitioners and respondent No.2 be recorded with regard to the compromise on or before 19.09.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report i.e.

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 03.10.2024.

Status report be filed by respondent – State by the adjourned date.”



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4. In compliance of the aforesaid, 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. A perusal of the report indicates that one of the accused, namely Gurmail Singh is bed-ridden and old aged, due to which, he could not appear before the jurisdictional Court to record his statement in terms of compromise

5. Learned counsel for respondent No.2 in CRM-M-37713-2024 submits that for quashing of FIR (*supra*) on the basis of compromise, the consent of complainant/respondent is relevant and respondent No.2, being complainant has no objection, in case the FIR (*supra*) be quashed qua petitioner No.3 Gurmail Singh also.

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 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 DDR GD no.28 dated 06.04.2016, under Sections 324, 323, 506, 34 of IPC, Police Station Sohana, District SAS Nagar (Mohali) (Annexure P-1) in FIR No.88 dated 01.04.2016, registered under Sections 452, 341, 323, 506, 34 of IPC, at Police Station Sohana, District SAS Nagar (Mohali) (Annexure P-2) and all consequential proceedings arising out of the same are quashed, qua the petitioners in both the cases.

January 23, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No