

2025-PHHC-000708



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

CRM-M-41683-2024

Date of Decision: **07.01.2025**

Rakesh Kumar (@ Raku and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Kumar, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Ms. Suman Kumari, Advocate
for respondent No.2-complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.104 dated 26.09.2016 (Annexure P-1) under Sections 307/324/323/506/148/149 of IPC, 1860 (Section 307 of IPC deleted and Sections 325 & 326 of IPC were added later on) registered at Police Station Bahaw Wala, District Fazilka and all subsequent proceedings arising therefrom in view of the compromise deed dated 21.08.2024 (Annexure P-2).

2. The following order was passed on 29.11.2024 by the co-ordinate Bench of this Court:-

“CRM-46899-2024

The present application has been filed seeking modification in the head note and prayer clause of the present petition by adding Section 325, 326 (added later on) IPC, 1860.

For the reasons mentioned in the application, the same is allowed

subject to final outcome of the report regarding genuineness of the compromise so arrived at between the parties, from the trial Court concerned.

Main case

Reply dated 25.11.2024 on behalf of State has been filed in Court today and the same is taken on record. A copy thereof has been supplied to counsel for the petitioners.

Petitioners are directed to file para-wise counter to the reply, so filed by the State.

Counsel for the petitioners submits that the matter has been settled between the parties.

Counsel for the respondent No.2-complainant also corroborates the statement and states that the matter has been settled between the parties out of the Court.

Given above, the petitioner and the respondent No.2, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 16.12.2024, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

<i>Name of the reporting Court</i>			
<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
104	26.09.2016	Bahaw Wala, District Fazilka	307/324/323/506/148/149 of IPC, 1860
<i>Criminal case No. before trial Court</i>			

1.	<i>Names of the complainant/victim(s)/aggrieved person(s)</i>	
2.	<i>Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded</i>	
3.	<i>Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?</i>	Yes/No
4.	<i>Whether all the victims/all the aggrieved persons have compromised the matter?</i>	Yes/No
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	Yes/No

6.	<i>Names of the accused person(s)</i>	
7.	<i>Dates on which the statement(s) of the accused person(s) recorded</i>	<i>Yes/No</i>
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	<i>Yes/No</i>
9.	<i>Whether the Court is satisfied with the genuineness of the compromise?</i>	<i>Yes/No</i>

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 07.01.2025.

It is clarified that in case counter to reply is not filed, then on this ground alone, the present petition shall be dismissed for non-prosecution.”

3. In compliance of the above 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 has already filed the counter-affidavit of petitioner No.1 and submits that the offence under Section 307 of IPC has been deleted and Section 325 & 326 of IPC were added during the investigation as such there is no embargo on quashing of the FIR (supra) on the basis of compromise.

5. Learned State counsel affirms the factum of deletion of Section 307 of IPC during the investigation.

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 FIR No.104 dated 26.09.2016 under Sections 307/324/323/506/148/149 of IPC, 1860 (Section 307 of IPC deleted and Sections 325 & 326 of IPC were added later on) registered at Police Station Bahaw Wala, District Fazilka and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

07.01.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No