



**285-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48261-2022 (O & M)

Date of decision: 05.02.2025

KARAM SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Sharma, Advocate for
Mr. M.K. Kahlon, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Daljeet Singh Kahlon, Advocate
for respondent Nos.2 to 4.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.26 dated 16.07.2020, under Sections 452, 326, 323, 427, 34 IPC in FIR No.129 dated 08.07.2020 registered at Police Station Shri Hargobindpur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom, qua the petitioners on the basis of compromise dated 26.04.2022 (Annexure P-2).

2. The following order was passed on 11.11.2022 :-

“xxx...xxx...xxx

Prayer is for quashing of DDR No.26 dated 16.7.2020, under Sections 452, 326, 323, 427, 34 IPC in FIR No.129 dated 8.7.2020 registered under Sections 452, 427, 324, 336, 34 IPC at Police Station Shri Hargobindpur, District Gurdaspur on the basis of compromise.

Notice of motion.



At this stage, Mr. D.S.Kahlon, Advocate, accepts notice on behalf of the complainant/respondents No.2 and 3. He admitted the correctness of compromise and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties (including Kanwaljit Kaur) are directed to appear before the learned trial court/Illaq Magistrate on 12.1.2023 or any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant 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.*

To come up on 17.2.2023 for awaiting the report.

In the meantime, the petitioners are directed to join the investigation with the police and in case of arrest, they should be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in the present petition and the petitioners are to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

3. Thereafter on 28.07.2023, the parties were again directed to appear before the jurisdictional/Illaq Magistrate in terms of compromise. 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 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 No.26 dated 16.07.2020, under Sections 452, 326, 323, 427, 34 IPC in FIR No.129 dated 08.07.2020 registered at Police Station Shri Hargobindpur, District Gurdaspur (Annexure P-1) ur and all consequential proceedings arising out of the same are quashed, qua the petitioners.

5. Pending miscellaneous application(s), if any, also stand(s) disposed of.

February 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 |