



CRM-M-44137-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44137-2024 (O&M)

Date of Decision: 30.01.2025

GAGAN

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Kashish Aggarwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Ms. Sonia Monga, Advocate
for respondents No. 2 and 3.

Harpreet Singh Brar, J. (Oral)

1. Petitioner filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.214 dated 06.11.2021, registered under Section 379 of IPC, at Police Station City Gurdaspur, District Gurdaspur and all the subsequent proceedings arising therefrom, qua the petitioner, in light of the compromise effected between the parties dated 23.08.2024 (Annexure P-2). There is further prayer for issuance of direction to release the amount of Rs.15,000/- along with interest that had been deposited before the concerned Illaqa Magistrate in compliance to order dated 03.12.2021.

2. The following order was passed on 06.09.2024:

“Petitioner filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.214 dated 06.11.2021, registered under Section 379 of IPC, at Police Station City Gurdaspur, District Gurdaspur and all the subsequent proceedings arising therefrom, qua the petitioner, in light of the compromise effected between the parties dated 23.08.2024 (Annexure P-2).



There is further prayer for issuance of direction to release the amount of Rs.15,000/- along with interest that had been deposited before the concerned Illaqa Magistrate in compliance to order dated 03.12.2021.

Notice of motion.

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

Ms. Sonia Monga, Advocate appeared on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Let the statements of petitioner and respondent No.2 be recorded with regard to the compromise on or before 23.10.2024 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 06.11.2024.

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

Learned counsel(s) for the petitioner and respondent No. 2 are *ad idem* that the amount of Rs. 15,000/- lying deposited in the shape of fixed deposit with the concerned Illaqa Magistrate be released in favour of the petitioner.
5.

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.214 dated 06.11.2021, registered under Section 379 of IPC, at Police Station City Gurdaspur, District Gurdaspur, along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.
6.

Learned Illaqa Magistrate/trial Court concerned is directed to release the amount accumulated in the fixed deposit, as mentioned above, to the petitioner against proper receipt and identification.

(HARPREET SINGH BRAR)
JUDGE

30.01.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No