



287 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-46572-2024 (O&M)
Date of Decision: 13.02.2025

GURBACHAN SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Singh Saini, Advocate
and Mr. Sanjay Saini, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Parul Panchal, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C. seeking quashing of
FIR No. 262 dated 26.11.2022 under Sections 420 and 120-B of Indian
Penal Code, registered at Police Station City Moga District Moga
(Annexure P-1) along with all subsequent proceedings arising therefrom on
the basis of compromise dated 08.07.2024 (Annexure P-2).

2. The following order was passed on 19.09.2024:

*“The petitioners have approached this Court
seeking quashing of FIR (Annexure P-1) and all
consequential proceedings emanating therefrom on the
basis of a compromise having been effected between the
parties.*

Notice of motion for 13.02.2025.

*At this stage, Mr. Sidharth Attri, AAG, Punjab,
accepts notice on behalf of respondent No.1-State, while Mr.
Parul Saini, Advocate, has put in appearance on behalf of
respondent No.2 and filed his vakalatnama, which is taken
on record.*



The parties are directed to move an application before the trial Court/Illaqa Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaqa Magistrate, the trial Court/Illaqa Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition?*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next 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. 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. 262 dated 26.11.2022 under Sections 420 and 120-B of Indian Penal Code, registered at Police Station City Moga District Moga (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

13.02.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>