



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

CRM-M-53370-2022
Date of decision: 05.02.2025

ALI HUSSAIN AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sameydeen, Advocate for
Mr. Ghulam Nabi Malik, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. S.A. Chaudhary, Advocate for
Mr. Dheeraj Mahajan, Advocate for respondent nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.44 dated 08.05.2022 registered under Sections 365, 451, 120-B IPC, at Police Station Division No.1 Pathankot, District Pathankot (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 30.09.2022 (Annexure P-2).

2. The following order was passed on 18.01.2023 :-

“This is a petition under Section 482 Cr.P.C. For quashing of FIR No.44 dated 08.05.2022 (Annexure P-1) registered under Sections 365, 451, 120-B IPC, at Police Station Division No.1 Pathankot, District Pathankot along with all consequential proceedings arising therefrom qua the petitioners on the basis of compromise dated 30.09.2022 (Annexure P-2).

Notice of motion.



Mr. Harpreet Singh, Addl. A.G. Punjab, accepts notice on behalf of respondent No.1 State. Mr. Dheeraj Mahajan, Advocate, accepts notice on behalf of respondents No.2 & 3.

Let the parties appear before the trial Court/Duty Magistrate on 27.02.2023 or any other date convenient to the Court, for recording their statements with regard to compromise. The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties: The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 27.04.2023.”

3. Thereafter on 27.04.2023 and 30.04.2024, the parties were again directed to appear before the jurisdictional/Illaq Magistrate in terms of order dated 18.01.2023. 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. A perusal of the report indicates that petitioner No.6 did not appear before the learned Court below to record his statement in terms of the compromise.

4. Learned counsel for respondent Nos.2 and 3 submits that for quashing of FIR (*supra*) on the basis of compromise, consent of the



complainant and victim is necessary and it is not relevant if one of the accused has not come forward to depose and support the compromise. He further submits that they have no objection if the FIR (*supra*) is quashed qua all the accused/petitioners including petitioner No.6.

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 46*, 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.44 dated 08.05.2022 registered under Sections 365, 451, 120-B IPC, at Police Station Division No.1, Pathankot, District Pathankot (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

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 |