

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-56191-2024 (O&M)

Date of Decision: 11.03.2025

ONKAR SINGH @ KALU AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Chopra, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Ms. Shivani, Advocate for
Mr. Amit Kumar, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 63 dated 06.11.2023 under Sections 323, 324, 148, 149 of Indian Penal Code registered at Police Station Dorangla, District Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 04.11.2024 (Annexure P-2).

2. The following order was passed on 12.11.2024:

“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 11.3.2025.

At this stage, Mr. Amit Kumar, Advocate has put in appearance on behalf of respondent No.2 and has filed Power of Attorney, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq 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/Illaq Magistrate, the trial Court/Illaq 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/Illaq 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. 63 dated 06.11.2023 under Sections 323, 324, 148, 149 of Indian Penal Code registered at Police Station Dorangla, District

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Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

11.03.2025

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No