



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M No.58372 of 2024 (O&M)
Date of decision: 11.02.2025

Gurbakhshish Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Barjinder Singh, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of FIR No.168 dated 12.10.2016 (Annexure P-1) registered under Sections 406 and 420 IPC at Police Station Sultanpur Lodhi, District Kapurthala, and all other consequential proceedings arising therefrom on the basis of compromise.

2. The following order was passed on 10.01.2025:-

“XX XX XX XX

Learned counsel for the petitioner submits that two of the co-accused, namely, Pala Singh and Gurwinder Singh, have been declared innocent by the Investigating Agency and petitioner is the only accused to depose in

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terms of the compromise within a period of two weeks. He further submits that the petitioner is currently residing abroad and he is not in a position to present physically before the learned trial Court/Illaqa Magistrate to record his statement regarding compromise. Therefore, a request for recording statement of the petitioner through SPA is made.

Notice of motion for 11.02.2025.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Barjinder Singh, Advocate accepts notice for respondents No.2 & 3 and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

In view of the above, the prayer made by counsel for the petitioner is allowed. Petitioner is allowed to record his statement through SPA before the learned jurisdictional Magistrate.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

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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. The order dated 14.11.2024, passed by learned Sub-Divisional Judicial Magistrate, Sultanpur Lodhi, vide which the petitioner has been declared as proclaimed person has already been set-aside by this Court vide order of even date passed in CRM-M No.7968 of 2025.

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.168 dated 12.10.2016 registered under Sections 406 and 420 IPC at Police Station Sultanpur Lodhi, District Kapurthala, and all other consequential proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

11.02.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No