



CRM-M-62207-2024 (O&M)

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297 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-62207-2024 (O&M)

Date of Decision: 20.02.2025

AMIT KAPOOR

...Petitioner

V/S

PARMINDER SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaideep Verma, Advocate
for the petitioner.Mr. Samarvir Singh, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, filed under Section 528 of the BNSS, 2023, a prayer is made for quashing of criminal complaint COMA/9661/2017 (Annexure P-1), as well as judgment of conviction dated 30.09.2019 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class, Ludhiana, and order dated 20.01.2020 (Annexure P-3) passed by the learned Additional Sessions Judge, Ludhiana, on the basis of compromise/settlement deed dated 27.11.2024 (Annexure P-4).

2. The following order was passed on 19.11.2024:

“Through the instant petition, filed under Section 528 of the BNSS, 2023, a prayer is made for quashing of criminal complaint COMA/9661/2017 (Annexure P-1), as well as judgment dated 30.09.2019 (Annexure P-2), passed by the learned trial Court concerned, and judgment dated 20.01.2020 (Annexure P-3), passed by the learned Appellate Authority concerned, on the basis of compromise/settlement deed dated 27.11.2024 (Annexure P-4).



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Learned counsel for the petitioner submits that it is a complete and full and final compromise, qua the party concerned.

Notice of motion.

Mr. Himanshu Chhabra, Advocate, records his appearance on behalf of the respondent, and has filed duly executed power of attorney today, in the Court. The same is taken on the record. He accepts notice on behalf of the private respondent and submitted that he has no objection, in case the criminal complaint COMA/9661/2017 (Annexure P-1), as well as judgment dated 30.09.2019 (Annexure P-2), passed by the learned trial Court concerned, and judgment dated 20.01.2020 (Annexure P-3), is quashed on the basis of compromise/settlement deed (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, within one month from today to get their respective statements recorded regarding the compromise and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition, specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding compromise.

To come up on 20.02.2025.



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A copy of this order be sent to the learned trial Court/Illaq Magistrate for compliance.”

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, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 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 criminal complaint COMA/9661/2017 (Annexure P-1) is quashed and the judgment of conviction dated 30.09.2019 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class, Ludhiana, and order dated 20.01.2020 (Annexure P-3) passed by the learned Additional Sessions Judge, Ludhiana are set aside and petitioner is acquitted of the notice of accusation framed against him.

(HARPREET SINGH BRAR)
JUDGE

20.02.2025
Ajay Goswami

Whether speaking/reasoned Yes/No
Whether reportable Yes/No