



CRM-M-63146-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-63146-2024 (O&M)
Date of Decision: 03.02.2025

BALDEV SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Suneet Singh, Advocate
for respondent No. 2.

Harpreet Singh Brar, J. (Oral)

1. This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 44 dated 07.05.2018 registered under Sections 420 and 120-B of Indian Penal Code registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 26.11.2024 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 16.12.2024:

“This petition has been filed for quashing of FIR No.44 dated 07.05.2018 registered under Sections 420 and 120-B of IPC along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 26.11.2024 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.



Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab, accepts notice on behalf of respondent No.1-State and Mr. Supneet Singh, Advocate accepts notice on behalf of respondent No.2 and has filed Power of Attorney. The same is taken on record. He has admitted the factum of compromise effected between the parties.

Learned counsel for the petitioners has requested that since petitioner No.2 is being represented through his Special Power of Attorney holder namely, Shinderpal Kaur, therefore, permission may be granted to record the statement of Special Power of Attorney holder.

In view of above, petitioner No.1, Special Power of Attorney holder of petitioner No.2, respondent No.2 and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 13.01.2025 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court shall ensure the recording of the statement of the petitioner No.2 through video conferencing facilities, in the manner prescribed by law, subject to the condition that petitioner No.2 at the time of recording of his statements shall be duly identified by his Special Power of Attorney Holder and that his counsel shall remain present in person before the trial Court at the time of recording of his statement for identification purpose, on the date fixed or any other date as per its convenience but prior to date fixed by this Court. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*



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4. *if the compromise is genuine, voluntary and out of free will of the parties.*

5. *Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 03.02.2025.

The trial Court shall ensure that the complainant(s)/victim(s) is/are duly identified by the local counsel while recording his/her/their statement(s). Simultaneously photographs of the complainant(s)/victim(s) be also affixed on his/her/their statement(s) by the trial Court.”

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. 44 dated 07.05.2018 registered under Sections 420 and 120-B of Indian Penal Code registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

03.02.2025

Ajay Goswami

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