



294

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

CRM-M-46271-2024

Date of Decision: **15.01.2025**

Tarsem Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Kulwinder Singh Lakhanpal, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of FIR No.11 dated 29.01.2022 registered under Sections 341, 323, 506, 34 IPC (Section 307 IPC added later on) at Police Station Bhindi Saidan, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 02.03.2024 (Annexure P-2).

2. The following order was passed on 18.09.2024 by the Co-ordinate Bench:-

The petitioners seek quashing of FIR No.11 dated 29.01.2022 registered under Sections 341, 323, 506, 34 IPC (Section 307 IPC added later on) at Police Station Bhindi Saidan, District Amritsar along with all the subsequent proceedings arising therefrom in view of the compromise dated 02.03.2024 (Annexure P-2).

The allegations as levelled in the FIR pertain to various offences including the offence under Section 307 IPC which was added later on.

Learned counsel for the petitioners submitted that the FIR is outcome of matrimonial dispute between Tarsem Singh and his wife, who is daughter of the complainant Naseeb Singh/respondent no.2, which has

now been resolved. It has further been submitted that petitioners no.2 to 4 are also relatives of petitioner no.1 Tarsem Singh.

Although, offence under Section 307 IPC is one of the serious offences and is not compoundable but having regard to the fact that it is a dispute between members of the same family wherein petitioners and complainant are closely related, the instant petition for quashing of impugned FIR on the basis of compromise is being entertained.

Notice of motion.

On the asking of the Court, Mr. Siddharth Attri, AAG, Punjab accepts notice on behalf of respondent no.1-State and Mr. Anantdeep Singh, Advocate, who is present in Court, accepts notice on behalf of respondent no.2.

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 petitioner, 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.

List again on 15.01.2025.”

3. In compliance of the above 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, 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.11 dated 29.01.2022 registered under Sections 341, 323,

506, 34 IPC (Section 307 IPC added later on) at Police Station Bhindi Saidan, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

15.01.2025

Parveen kumar

**(HARPREET SINGH BRAR)
JUDGE**

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