



CRM-M-13243-2021 (O&amp;M)

-1-

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH****CRM-M-13243-2021 (O&M)  
Date of Decision: 18.02.2025****HARJINDER SINGH @ JINDER****...Petitioner****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. H.S. Randhawa, Advocates  
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

None for respondent No. 2.

\*\*\*\*

**HARPREET SINGH BRAR J. (Oral)**

1. Petitioner has filed petition under Section 482 of Cr.P.C. for quashing of FIR No. 40 dated 02.03.2020 registered under Sections 307, 323, 450, 427, 218, 148 and 149 of Indian Penal Code read with Sections 25 and 27 of Arms Act at Police Station Sadar Kapurthala District Kapurthala along with all subsequent proceedings arising therefrom, on the basis of compromise dated 08.06.2020 (Annexure P-8).

2. The following order was passed on 17.01.2025:

*“Learned counsel for the petitioner inter alia contends that all other accused except the petitioner have faced the trial and they have been acquitted by the learned trial Court and petitioner was residing abroad and non-bailable warrants have been issued against him to secure his presence and thereafter a compromise has been effected between the parties and learned counsel further submits that prima facie, the factual ingredients of Section 307 of*



*Indian Penal Code are not attracted and none of the injuries suffered by injured was on vital part and the co-accused have already been acquitted by learned trial Court vide judgment dated 24.02.2021 (Annexure P-2) and he relies upon the judgment passed by Hon'ble Supreme Court of India in the case of The State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019 (5) SCC 688 and submits that once the factual ingredients to breach the threshold Section 307 IPC are missing, there is no embargo in quashing the FIR(supra) on the basis of compromise, merely because the offence under Section 307 of IPC has been added by the jurisdictional police authorities and he further relies upon the judgment passed by the Division Bench of this Court in Sudo Mandal @ Diwarak Mandal Vs. State of Punjab 2011(2) R.C.R. (Criminal) 453.*

*Service is already complete.*

*Learned counsel for the petitioner further submits that petitioner is currently not residing in India and as such, it would not be possible for him to physically appear before the learned trial Court for getting his statement recorded in terms of the compromise and prays that his statement be recorded through special power of attorney holder.*

*Prayer is allowed.*

*Adjourned to 18.02.2025.*

*In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 18.02.2025.*



*Learned trial Court is directed to get the statement of the petitioner recorded through his special power of attorney holder.*

*A copy of this order be sent to learned trial Court/Illaqa Magistrate through fax for compliance. Interim order to continue.”*

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. 40 dated 02.03.2020 registered under Sections 307, 323, 450, 427, 218, 148 and 149 of Indian Penal Code read with Sections 25 and 27 of Arms Act at Police Station Sadar Kapurthala District Kapurthala along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

**(HARPREET SINGH BRAR)**  
**JUDGE**

18.02.2025  
Ajay Goswami

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