

(2024) 09 P&H CK 1135
In the Punjab And Haryana At Chandigarh
Case No : CRM-M Of 39762 Of 2024

Harbir Singh

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 20-09-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498(A)

Citation : (2024) 09 P&H CK 1135

Hon'ble Judges : Harpreet Singh Brar, J

Bench : Single Bench

Advocate : Avtar Singh Bhatti, Manoj K. Sharma, Subhash Godara, Ritesh K. Sharma

Final Decision : Allowed

Judgement

Harpreet Singh Brar, J

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0012 dated 05.08.2022 under Sections 498-A/406 of IPC registered at Police Station NRI (Amritsar) District Police Commissionerate Amrtisar (Annexure P-1) alongwith all subsequent proceedings arising therefrom in view of the compromise dated 30.07.2024 (Annexure P-2).

2. The following order was passed on 20.08.2024:-

"This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0012 dated 05.08.2022 under Sections 498-A/406 of IPC registered at Police Station NRI (Amritsar) District Police Commissionerate Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 30.07.2024 (Annexure P-2). Learned counsel for the petitioner as well as counsel for respondent No.2 request for recording statement of the petitioner as well as respondent No.2 through SPA as they are residing abroad. In view of the above, the prayer made by counsel for the parties is

allowed. The petitioner and respondent No.2 are allowed to record their statements through SPA before the learned jurisdictional Magistrate. Notice of motion for 20.09.2024.

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. Ritesh K. Sharma, Advocate accepts notice for respondent No.2 and files his vakalatnama 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/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq 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 i.e. 20.09.2024.

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

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, 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 (Cr.) 1052, this petition is allowed and FIR No.0012 dated 05.08.2022 under Sections 498-A/406 of IPC registered at Police Station NRI (Amritsar) District Police Commissionerate Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner in view of compromise dated 30.07.2024 (Annexure P-2).