

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

271

CRM-M-8754-2022

Date of decision:03.08.2022

Charanjit Kaur and another

... Petitioners

Vs.

U.T. Chd. and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Keerti Sandhu, Advocate for
Mr. Sahil Sharma, Advocate for the petitioners.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

Mr. Vaibhav Gupta, Advocate for
Ms. Niharika Goel, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 02.03.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.64 dated 15.09.2021 under Sections 354-A/506/509 of IPC, 1860, and Section 04 of the Dowry Prohibition Act, 1961, registered at Women Police Station, Sector 17, Chandigarh, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of Compromise Deed dated 02.11.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the mother of petitioner No.2, who was engaged to complainant/respondent No.2 on 09.08.2015, but differences cropped up between the parties, FIR, Annexure P-1, was registered and now the dispute has been settled by virtue of compromise, Annexure P-2. Counsel submits that in terms of the compromise, the petitioners have handed a Demand Draft of Rs.9 lakh dated 14.12.2021, Annexure P-4, and a receipt, Annexure P-5, has been issued by the complainant/respondent No.2. While submitting that all the articles and gifts given by the parties to each other, have been returned, counsel for the petitioners has invited the attention of this Court to Para 06 of the compromise, which is reproduced as under:-

“6. Both the parties undertake not to upload any photo or video of another party on any

social media, or social site. Neither they will contact each other by phone or by any other medium. This whole decision has been made with the mutual consent of both the parties without any coercion or undue influence. This decision is acceptable to both the parties. There is no objection by any party to this decision. Our decision may kindly be permitted.”

Notice of motion.

On asking of the Court, Mr. Rajiv Vij, APP, UT, Chandigarh, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from SI Satish Kumar, matter is under investigation. Ms. Niharika Goel, Advocate accepts notice on behalf of the complainant/respondent No.2. She admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 02.05.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a report on or before the next date of hearing 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/P.O. 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;

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

5. whether any other criminal case is pending against the accused.

Report of Illaqa Magistrate/Trial Court be awaited for 03.08.2022.”

In deference to the above reproduced order, report has been received and its relevant extract is as under:-

“6. (i) It is humbly submitted that there are a total of two accused persons, namely Charanjit Kaur and Gurmeet Singh, arrayed in the present FIR. Both the said accused persons have appeared before this Court and have got recorded their statements regarding the compromise effected between them and the complainant. As per the statement of the concerned police official dealing with the case, the

accused have never been declared proclaimed persons in the present case, nor any such proceedings have been initiated against them in the present case or in any other case.

ii) There is only one complainant, namely Sukhjeet Kaur, in the present FIR. She has appeared before this Court and has got recorded her statement regarding the compromise effected between her and the accused.

iii) In the case in hand, the Challan has not been presented yet and the compromise has been effected between the parties at the stage of its investigation.

iv) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntary and the same has been arrived at between the parties without any undue influence or pressure.

v) As per the statement of the concerned police official dealing with the case, the accused of the present FIR are not involved in any other case and except this case, no other criminal case is pending against the accused.”

FIR is an outcome of a dispute, which is private in nature and has been amicably settled. Keeping in view the nature of allegations, report of the trial court as well as the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.64 dated 15.09.2021 under Sections 354-A/506/509 of IPC, 1860, and Section 04 of the Dowry Prohibition Act, 1961, registered at Women Police Station, Sector 17, Chandigarh, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

03.08.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No