

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2487-2023 (O&M)

Date of decision: 10.04.2024

RAMESH AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lekh Raj Nandal, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Manoj Makkar, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 49 dated 21.07.2016 registered under Sections 323, 34, 406 and 498-A of Indian Penal Code at Police Station Women, District Sonapat all subsequent proceedings arising therefrom in view of the compromise dated 24.12.2022 (Annexure P-3).

2. The following order was passed on 17.01.2023:

“This is a petition for quashing of the FIR No.49 dated 21.7.2016 under Sections 323, 34, 406 and 498-A IPC registered at Police Station Women, District Sonapat (Annexure P-1) on the basis of compromise said to have been entered into between the parties dated 24.12.2022 (Annexure P-3).

Notice of motion.

Ms. Mahima Yashpal, DAG, Haryana, appears and accepts notice on behalf of respondent No.1-State and Mr. Manoj Makkar, Advocate has put in appearance on behalf of respondent No.2 by filing memo of appearance.

Let the parties appear before the trial Court/Duty Magistrate on 23.2.2023 or any other date convenient to the Court, for recording their statements with regard to compromise.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity

and genuineness of compromise after recording statements of all the parties:

The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 26.4.2023.”

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**, **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 (Crl.) 1052**, this petition is allowed and FIR No. 49 dated 21.07.2016 registered under Sections 323, 34, 406 and 498-A of Indian Penal Code at Police Station Women, District Sonapat and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 10, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |