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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3061-2024 (O&M)

Date of decision: 29.04.2024

SUKHWINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gursimran Walia, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Virender Kumar, 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. 13 dated 14.08.2018 registered under Sections 406, 498-A and 354 of Indian Penal Code at Police Station Women Cell, SAS Nagar Mohali and all subsequent proceedings arising therefrom on the basis of compromise dated 08.01.2024 (Annexure P-2).
2. The following order was passed on 23.01.2024:

“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.13 dated 14.08.2018, registered under Sections 406, 498-A and 354 of the Indian Penal Code, 1860, at Police Station Women Cell, SAS Nagar Mohali, and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 08.01.2024 (Annexure P2).

Learned counsel for the petitioner contend that the

parties have since compromised the matter and the compromise deed has been appended with the present petition as Annexure P-2.

Notice of motion.

On the asking of the Court, Ms. Kanica Sachdeva, learned AAG, Punjab waives service on behalf of respondent No.1-State. Copy of the petition has already been supplied to the counsel for the State.

Notice to respondent No.2 be issued for 29.04.2023.

Meanwhile, the petitioner and respondent No.2 are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 12.02.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the settlement/compromise dated 08.01.2024 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

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. Mr. Virender Kumar, Advocate has put in appearance on behalf of respondent No. 2 and filed his power of attorney. Same is taken on record.

5. 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. 13 dated 14.08.2018 registered under Sections 406, 498-A and 354 of Indian Penal Code at Police Station Women Cell, SAS Nagar Mohali and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 29, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No