2024:PHHC:077715

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3862-2024 (O&M)
Date of decision: 30.05.2024

YASHPAL PALTA

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mukesh Kumar Sharma, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Anish Verma, Advocate
for respondent No. 2.

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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.104 dated 16.06.2020 under Sections 498-A, 420, 494, 342 and 506 of the Indian Penal Code, 1860 registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 18.12.2023 (Annexure P-2).

2. The following order was passed on 25.01.2024:

> *"The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.104 dated 16.06.2020 under Sections 498-A, 420, 494, 342 and 506 of the Indian Penal Code, 1860 registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 18.12.2023 (Annexure P-2).*
>
> *Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise deed dated 18.12.2023 has been appended with the present petition*

AJAY GOSWAMI
2024.05.30 15:06
I attest to the accuracy and
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as Annexure P-2. Learned counsel for the petitioners has relied upon the judgment by the Hon'ble Supreme Court rendered in "Gian Singh V/s State of Punjab & Anr." [2012 (10) SCC 303].

Notice of motion.

On the asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice and waives service on behalf of respondent No.1- State. Mr. Anish Verma, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 30.05.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaqa Magistrate/Trial Court on 15.03.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaqa 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 18.12.2023 (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. 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.**

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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.104 dated 16.06.2020 under Sections 498-A, 420, 494, 342 and 506 of the Indian Penal Code, 1860 registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

May 30, 2024
Ajay Goswami

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

AJAY GOSWAMI
2024.05.30 15:06
I attest to the accuracy and
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