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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7837-2023 (O&M)
Date of decision: 15.04.2024

NAV KAMAL AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Bedi, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG Punjab.

Mr. N.P. Chandel, 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. 78 dated 15.12.2020 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Pojewal, District Shaheed Bhagat Singh Nagar and all subsequent proceedings arising therefrom on the basis of compromise deed dated 12.01.2023 (Annexure P-2).
2. The following order was passed on 15.02.2023:

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 78 dated 15.12.2020, under Sections 406, 498-A IPC, registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising thereto on the basis of compromise deed dated 12.01.2023 (Annexure P-2).

Notice of motion.

Mr. Jashandeep Singh, AAG, accepts notice on behalf of State and Mr. Naresh Paul Chandel, Advocate has put in appearance on behalf of respondent No. 2 by filing vakalatnama.

Let the parties appear before the trial Court/Duty Magistrate on 28.03.2023 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., 03.05.2023.”

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. 78 dated 15.12.2020 registered

under Sections 406 and 498-A of Indian Penal Code at Police Station Pojewal, District Shaheed Bhagat Singh Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 15, 2024

Ajay Goswami

(i) Whether speaking/reasoned

(ii) Whether reportable

Yes/No

Yes/No

(HARPREET SINGH BRAR)

JUDGE