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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9612-2024 (O&M)
Date of decision: 31.07.2024

Neelam Bhatia and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. R.S. Sidhu, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.24 dated 02.04.2021 under Sections 325, 498-A, 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women Cell, Amritsar and all subsequent proceedings arising therefrom in view of the compromise/settlement in view of petition under Section 13-B of Hindu Marriage Act, 1955 dated 03.10.2023 (Annexure P-2).

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2. The following order was passed on 04.03.2024 : -

“This petition has been filed for quashing of FIR No.24, dated 02.04.2021 registered under Sections 325, 498-A and 34 of IPC at Police Station Women Cell, District Amritsar along with all consequential proceedings arising therefrom, on the basis of compromise dated 03.10.2023 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Ramit Singh Sidhu, Advocate accepts notice on behalf of respondent No.2 and has filed his memorandum of appearance. The same is taken on record. He has admitted the factum of compromise effected between the parties. He seeks time to file his vakalatnama.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 19.03.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made

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statements and whether any accused is absconding/proclaimed persons, 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 pending;

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

5. Whether any other criminal case pending against the accused.

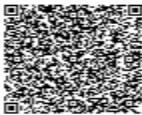
Report of Illaqa/Duty Magistrate be awaited for 19.04.2024.

Vakalatnama on behalf of respondent No.2 be filed by the next date of hearing.”

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.24 dated 02.04.2021 under

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Sections 325, 498-A, 34 of IPC, registered at Police Station Women Cell, Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

31.07.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No