



304 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16696-2024 (O&M)

Date of decision: 04.07.2024

RAJEEV SHARMA AND ANOTHER

...PETITIONERS

V/S

STATE OF UT CHANDIGARH AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gyan Prakash Saini, Advocate
for the petitioners.

Mr. Rajiv Vij, Addl. PP UT Chandigarh.

Mr. Naveen 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. 65 dated 18.09.2021 under Sections 406, 506, 498-A of Indian Penal Code, registered at Women Police Station Chandigarh on the basis of compromise between the parties.

2. The following order was passed on 19.04.2024:

“The prayer in the present petition is for quashing of the FIR No. 65 dated 18.09.2021 under Sections 406, 506, 498-A IPC, registered at Women Police Station Chandigarh on the basis of compromise between the parties.

It is contended that a compromise deed dated 24.09.2019 (Annexure P-3) has been executed inter se petitioner No.1 and respondent No.2. Even a decree of divorce has been passed by mutual consent by the learned Addl. District Judge, Chandigarh on 22.09.2021 (Annexure P-4). As such, respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

Mr. Rajiv Vij, Addl. P.P. U.T. Chandigarh accepts notice on behalf of the UT Chandigarh. The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as



to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Mr. Naveen Kumar, Advocate has put appearance on behalf of respondent No.2 and confirms the factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 04.07.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 15.05.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured, if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III. Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV. Whether any accused is a Proclaimed Offender?

V. Whether after the registration of the FIR any offence was added or deleted during investigation?

VI. Whether investigation is pending against any of the accused or any accused has been declared as innocent.”

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 (CrI.) 1052**, this petition is allowed and FIR No. 65 dated 18.09.2021 under Sections 406, 506, 498-A of

Indian Penal Code, registered at Women Police Station Chandigarh and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 04, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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