



Sr. No.276

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13459-2024
Date of decision: 17th July 2024

RAKESH KAPUR AND ANOTHERPetitioners

versus

STATE OF U.T. CHANDIGARH AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.D.S.Sukhija, Advocate
for the petitioners.

Mr. Manish Bansal, P.P., for U.T., Chandigarh and
Ms. Diksha Sharma, Advocate, assisted by
ASI Yudhvir Singh-Investigating Officer.

Mr. Nitin Kaushal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.207 dated 10.07.2005, under Sections 406, 498-A IPC, 1860 and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Sector-34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise/settlement deed dated 06.03.2024 (Annexure P-3), executed between the parties.
2. This Court, vide order dated 15.03.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.
3. Pursuant to the aforesaid order, the parties have appeared before the Additional District and Sessions Judge, Chandigarh and got their statements recorded. On the basis of the statements so recorded, the learned Additional and Sessions Judge, Chandigarh has submitted report dated 28.03.2024 to the effect that the compromise



has been effected between the parties voluntarily and without any pressure, fear, coercion or misrepresentation. The accused namely V.K. Kapur has expired. No additional accused has been added during investigation. None of the accused has been declared as Proclaimed Offender. No offence was added or deleted during investigation and no investigation is pending against any accused in the present case.

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and of FIR No.207 dated 10.07.2005, under Sections 406, 498-A IPC, 1860 and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Sector-34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

7. However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise/settlement deed dated 06.03.2024 (Annexure P-3) are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th July 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No