

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278

CRM-M No. 16646 of 2023
Date of Decision: 31.01.2024

Ram Brij

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Shivender Pal, Advocate for
Mr. B.S.Bhalla, Advocate for the petitioner.Mr. Manish Bansal, PP, UT Chandigarh and
Mr. Anil Kumar Lamdharia, Addl. PP, UT, Chandigarh.Ms. Dhamanpreet Kaur, Advocate for
Mr. Gurminder Singh, Advocate for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

1. The petitioner has filed the present petition seeking quashing of FIR No.255 dated 21.09.2002 under Sections 363, 366, 368, 376, 494, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Section 36, Chandigarh (Annexure P-4) and all subsequent proceedings arising therefrom in view of the compromise dated 24.03.2023 (Annexure P-5).

2. The following order was passed on 10.04.2023:

“The petitioner has filed the present petition seeking quashing of FIR No.255 dated 21.09.2002 under Sections 363, 366, 368, 376, 494, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Section 36, Chandigarh (Annexure P-4), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 24.03.2023 (Annexure P-5).

Learned counsel for the petitioner has submitted that in fact after the lodging of the said FIR, the matter has been compromised between the parties and the petitioner as well as respondent No.2 are happily

residing in their matrimonial life and have blessed with three children. However, due to the pendency of the present FIR, the petitioner was declared proclaimed offender and was arrested on 06.12.2022.

Notice of motion.

On the asking of Court, Mr. A.K. Lamdharia, Addl. P.P. U.T. Chandigarh, accepts notice on behalf of respondent No.1 and Mr. Gurminder Singh, Advocate accepts notice and filed Memorandum of Appearance on behalf of respondent No.2, which is taken on record and admits the factum of compromise effected between the parties.

Learned counsel for respondent No. 2 is directed to file his Power of Attorney within three working days from today.

Adjourned to 06.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 17.04.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

3. In compliance of the above 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. The Hon’ble Supreme Court in **K. Dhandapani versus The State by The Inspector of Police** has set aside the conviction of the accused in FIR registered under similar offences and observed as under:

“.....This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and prosecutrix....”

5. 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.255 dated 21.09.2002 under Sections 363, 366, 368, 376, 494, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Section 36, Chandigarh (Annexure P-4) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

31.01.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

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