



239

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-16909-2024 (O&M)

Date of Decision: 02.09.2024

GURKIRAT SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajiv Joshi, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Aditya Sanghi, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed for quashing of FIR No.81, dated 20.07.2023 registered under Sections 406, 498-A, 506 and 34 of IPC at Police Station Women, District Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 19.03.2024 (Annexure P-2) arrived at between the parties.

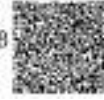
2. The following order was passed on 18.04.2024:

"This petition has been filed for quashing of FIR No.81, dated 20.07.2023 registered under Sections 406, 498-A, 506 and 34 of IPC at Police Station Women, District Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 19.03.2024 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in para No.12 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 Ms. Shaveta Sanghi, Advocate accepts notice on behalf of respondent No.2 and has filed



her Power of Attorney. The same is taken on record. She has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 24.04.2024 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 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 24.05.2024.”

3. Vide order dated 01.08.2024, parties were again directed to appear before the jurisdictional Magistrate for getting their statements recorded in terms of the compromise.

4. In compliance of the aforesaid orders, 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.

5. Learned counsel for the petitioners undertakes to abide by the terms and conditions of the compromise (Annexure P-2) and submits that petitioner is bound to pay the remaining amount settled between the parties in terms of compromise (Annexure P-2), at the time of recording of statement of

the parties at the stage of second motion before the learned Court concerned in



CRM-M-16909-2024 (O&M)

-3-

the petition filed under Section 13-B of Hindu Marriage Act seeking decree of divorce by mutual consent.

6. 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.81, dated 20.07.2023 registered under Sections 406, 498-A, 506 and 34 of IPC at Police Station Women, District Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

7. In case, the petitioners fails to abide by the terms and conditions of the compromise (Annexure P-2), respondent No. 2 would be at liberty to revive the FIR(supra).

02.09.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No