



269

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-17037-2024 (O&M)****Date of Decision: 10.07.2024****MANINDER SINGH SARNA AND OTHERS****...Petitioners****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rahul Chadha, Advocate for
Mr. Satayajeet Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. S.K. Jain, Advocate and Mr. Anubhav Singla, Advocates
for respondent No. 2 (through V.C.).

**********HARPREET SINGH BRAR J. (Oral)**

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 191 dated 17.05.2017 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Zirakpur, District SAS Nagar.

2. The following order was passed on 08.04.2024:

"This petition has been filed for quashing of FIR No.191, dated 17.05.2017 registered under Sections 406 and 498-A of IPC at Police Station Zirakpur, District SAS Nagar along with all consequential proceedings arising therefrom, a compromise/statement dated 30.11.2023 (Annexure P-3) which was recorded by the parties during the course of a petition filed under Section 13-B of Hindu Marriage Act, 1955 for dissolving their marriage by a decree of divorce.

Counsel for the petitioners has mentioned in para No.11 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. S.K.Jain, Advocate accepts notice on behalf of respondent No.2 and has filed his



CRM-M-17037-2024 (O&M)

-2-

vakalatnama. The same is taken on record. He 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 19.04.2024 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. 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. On 24.05.2024, learned counsel for the complainant-respondent had made a submission that some terms and conditions of the compromise have not been effected between the parties and on his request the case was adjourned for today.

5. Today, learned counsels admits that all the terms and conditions of the compromise have been complied by between the parties and in fact decree of divorce has also been passed under Section 13-B of Hindu Marriage Act vide

judgment dated 04.07.2024.



CRM-M-17037-2024 (O&M)

-2-

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. 191 dated 17.05.2017 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Zirakpur, District SAS Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

10.07.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No