



CRM-M-17587-2024 (O&M)

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241 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-17587-2024 (O&M)
Date of Decision: 10.09.2024

JAGDEEP GARG AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parunjeet Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Balraj Singh, Advocate and
Mr. Ajay Singh, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed for quashing of FIR No.129, dated 23.07.2023 registered under Sections 406 and 498-A of IPC at Police Station Khanna City-2, District Khanna(Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.12.2023 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 09.04.2024:

“This petition has been filed for quashing of FIR No.129, dated 23.07.2023 registered under Sections 406 and 498-A of IPC at Police Station Khanna City-2, District Khanna (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.12.2023 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties 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. Nirmal Singh Sidhu, Advocate accepts notice on behalf of respondent No.2 and has filed his 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 27.05.2024 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 26.07.2024.”

3. Thereafter, vide order dated 08.08.2024 of this Court, parties were again directed to record their statements.

4. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise effected between the parties is genuine and arrived at without any pressure or coercion from anyone.

5. In view of the compromise and the ratio of law laid down by the

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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.129, dated 23.07.2023 registered under Sections 406 and 498-A of IPC at Police Station Khanna City-2, District Khanna(Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

10.09.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No