



**240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18399-2024

Date of Decision: 29.10.2024

Manjit Singh through his SPA

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Cr.PC seeking quashing of FIR No.17 dated 14.01.2019 under Sections 406/498-A of IPC registered at Police Station Model Town, Hoshiarpur, Punjab (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 12.03.2024 (Annexure P-2).

2. The following order was passed on 16.04.2024:-

“1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 0017, dated 14.01.2019, registered at Police Station Model Town, District Hoshiarpur, under Sections 406 and 498-A of the IPC, on the basis of a compromise deed dated 12.03.2024 (Annexure P-2) between the parties.

2. Learned counsel for the petitioner inter alia contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A compromise deed dated 12.03.2024 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court, Hoshiarpur, in which first motion statements have already been recorded on 30.03.2024 (Annexure P-4).

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State and seeks time to verify as to whether all the accused and victim in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender.*

5. *Mr. Vishal Sharma, Advocate, accepts notice on behalf of respondent No. 2 and filed his power of attorney in Court today, which is taken on record and he confirms about factum of compromise between the parties.*

6. *Copies of the petition be handed over to learned counsel for the respondents during the course of the day.*

7. *Adjourned to 23.08.2024.*

8. *The parties are directed to appear before the trial Court/Illaq Magistrate up-to 02.07.2024 for recording of their statements. The trial Court may record the statement of the petitioner through the video conferencing subject to the verification of the power of attorney and proper identification of the petitioner through his Counsel and by respondent No. 2-complainant. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report, including the verification report of the Special Power of Attorney to this Court, on the following facts well before the next date of hearing:-*

I. Whether a genuine compromise has been arrived at between all the affected parties

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.”

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. 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.17 dated 14.01.2019 under Sections 406/498-A of IPC registered at Police Station Model Town, Hoshiarpur, Punjab (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

29.10.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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