



Date of decision: 01.10.2024

...PETITIONERS

V/S

...RESPONDENTS

Present: Mr. Pushp Jain, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Puneet Singla, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed for quashing of FIR No.32, dated 20.07.2021 registered under Sections 420, 498-A, 120-B of IPC (later on Sections 406, 495, 496 IPC and Section 15 of Punjab Compulsory Registration of Marriage Act were added) at Police Station NRI, District SAS Nagar, along with all consequential proceedings arising therefrom, on the basis of compromise dated 28.02.2024 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 19.04.2024:

“This petition has been filed for quashing of FIR No.32, dated 20.07.2021 registered under Sections 420, 498-A, 120-B of IPC (later on Sections 406, 495, 496 IPC and Section 15 of Punjab Compulsory Registration of Marriage Act were added) at Police Station NRI, District SAS Nagar, along with all consequential proceedings arising therefrom, on the basis of compromise dated 28.02.2024 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner 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. DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Krishna Maurya, 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 29.04.2024 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 29.05.2024.

As petitioner no.2 and respondent no.3 are residing in abroad and are being represented by their Special Power of Attorney holders, therefore, on request made by their counsel, the statements of petitioner no.2 and respondent no.3 shall be recorded through their Special Power of Attorney holders before learned Trial Court. However, respondent no.3 who is the victim in this case and petitioner no.2 shall also record their own statements through video conferencing facility on the date fixed or any subsequent date as per direction given by the Trial Court convenient to it.”

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. Learned counsel for the petitioners undertake to strictly abide by the terms and conditions of the compromise dated 28.02.2024 (Annexure P-2).
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.32, dated 20.07.2021 registered under Sections 420, 498-A, 120-B of IPC (later on Sections 406, 495, 496 IPC and Section 15 of Punjab Compulsory Registration of Marriage Act were added) at Police Station NRI, District SAS Nagar along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.
6. However, liberty is granted to private respondent to revive the present petition, in case the petitioners fail to adhere to the terms and conditions envisaged in the compromise (Annexure P-2) or deviates from their undertakings made in the said compromise.

October 01, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No