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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18076-2024 (O&M)
Date of decision: 02.07.2024

Sabi Ushan Khan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Jain, Advocate for
Mr. Danishwar Ali, Advocate for the petitioner.

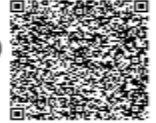
Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Mehak Arora, Advocate for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.247 dated 28.07.2020 under Sections 313, 316, 354, 376, 377, 406, 498-A, 509 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Chandimandir, District Panchkula (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2024 (Annexure P-2).

2. The following order was passed on 15.04.2024 : -



“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.247 dated 28.07.2020 under Sections 313, 316, 354, 376, 377, 406, 498-A, 509 of IPC, registered at Police Station Chandimandir, District Panchkula (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2024 (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered due to matrimonial dispute between the parties and the dispute is purely private in nature and there is no factual ingredients to attract the offence as mentioned in the FIR and only bald allegations have been levelled. The petitioner as well as respondent No.2 have amicably resolved their matrimonial dispute.

Notice of motion for 16.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day.

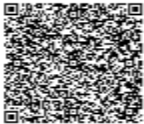
Learned counsel for the petitioner undertakes to secure presence of respondent No.2 at the time of recording the statement.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 16.05.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

Thereafter, on 16.05.2024, parties were again directed to record their statements in compliance with the order dated 15.04.2024.

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. 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.247 dated 28.07.2020 under Sections 313, 316, 354, 376, 377, 406, 498-A, 509 of IPC, registered at Police Station Chandimandir, District Panchkula and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

[HARPREET SINGH BRAR]
JUDGE

02.07.2024
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No