



240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37163-2018 (O&M)

Date of decision: 29.07.2024

SANDEEP KUMAR AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Sarwara, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 5, dated 27.06.2018 registered under Sections 406, 498-A and 34 of Indian Penal Code at Police Station NRI District SAS Nagar along with all consequential proceedings arising therefrom, on the basis of compromise dated 18.07.2018 (Annexure P-2).

2. The following order was passed on 28.08.2018:

“This is a petition for quashing of FIR on the basis of compromise. It is stated that the matter is still being investigated and challan has not yet been filed. It is further submits that the spouses have filed a petition under Section 13-B of the Hindu Marriage Act seeking dissolution of marriage by a decree of divorce by mutual consent.

Notice of motion for 26.10.2018.

Under the circumstances, the parties are directed to appear before learned Illaqa Magistrate, Mohali within one month from today and the Magistrate is to record the statements of the affected persons i.e. complainant and accused and then to report

whether the parties have entered into compromise voluntarily without any threat or coercion. The Magistrate is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the next date of hearing.”

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 (CrI.) 1052**, this petition is allowed and FIR No. 5, dated 27.06.2018 registered under Sections 406, 498-A and 34 of Indian Penal Code at Police Station NRI District SAS Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 29, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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