



CRM-M-21784-2022 (O&M)

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237 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-21784-2022 (O&M)
Date of Decision: 25.10.2024

RAJWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar J.(Oral)

1. Petitioner has filed the present petition seeking quashing of FIR No.9 dated 02.03.2019, under Sections 498-A, 323, 34, 313 of IPC, registered at Police Station Sadar Rampura, District Bathinda along with subsequent proceedings arising therefrom on the basis of the compromise dated 07.01.2022 (Annexure P-2).
2. The following order was passed on 19.05.2022:

"Petitioner has filed the present petition seeking quashing of FIR No.9 dated 02.03.2019, under Sections 498-A, 323, 34, 313 of IPC, registered at Police Station Sadar Rampura, District Bathinda along with subsequent proceedings arising therefrom on the basis of the compromise dated 07.01.2022 (Annexure P-2).

Learned counsel for the petitioner has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab accepts notice on behalf of respondent No.1 and Mr. Sukhmeet Singh, Advocate accepts notice on behalf of respondent No.2.



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Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 29.09.2022.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 18.07.2022 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

3. Vide order dated 27.08.2024, one more opportunity was granted to the private parties for getting their statements recorded in support of the compromise.

4. In compliance of the aforesaid orders, 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.

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

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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.9 dated 02.03.2019, under Sections 498-A, 323, 34, 313 of IPC, registered at Police Station Sadar Rampura, District Bathinda along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

25.10.2024
Ajay Goswami

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