



271 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20622-2024 (O&M)  
Date of decision: 10.07.2024

SAMEER SHARMA

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Nupur Sood, Advocate  
for the petitioner.  
Mr. Vikas Bhardwaj, AAG Haryana.  
Mr. G.S. Sullar, Advocate  
for respondent No. 2.

\*\*\*\*

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. 28 dated 06.03.2021 registered under Sections 323, 406, 498-A of Indian Penal Code at Women Police Station, Panchkula along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.04.2024 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 26.04.2024:

*"This petition has been filed for quashing of FIR No. 28 dated 06.03.2021 registered under Sections 323, 406, 498-A of IPC at Women Police Station, Panchkula along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.04.2024 (Annexure P-2) arrived at between the parties.*

*Counsel for the petitioner has mentioned in memo of parties that the petitioner has not been declared as proclaimed person.*

*Notice of motion.*

*Mr. Neeraj Poswal, learned AAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. G.S. Sullar,*



2

*Advocate accepts notice on behalf of respondent No.2. and has filed his Memo of appearance. The same is taken on record. He has admitted the factum of compromise effected between the parties. He undertakes to file vakalatnama on the next date of hearing.*

*The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 10.05.2024 for getting their statements recorded with regard to the compromise. 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 is pending against the accused.*

*Report of Illaqa/Duty Magistrate be awaited for 10.07.2024 ”*

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court stating therein that both, the complainant and the petitioner have deposed in favour of the compromise. However, the daughter of the complainant namely Asmita Sharma did not appear before the learned Judicial Magistrate Ist Class, Panchkula.

4. Learned counsel for respondent No.2 submits that respondent No. 2- Asmita Sharma is present in the Court and she has no objection, in case the FIR(supra) is quashed qua the petitioner, on the basis of compromise.

5. FIR(supra) was registered at the instance of father of respondent No. 2, who is the complainant and he has already appeared before the concerned jurisdictional Magistrate and suffered a statement in favour of the compromise.

6. In view of the specific stand taken by learned counsel for respondent No. 2, 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. 28 dated 06.03.2021 registered under Sections 323, 406, 498-A of Indian Penal Code at Women Police Station, Panchkula and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

**July 10, 2024**  
*Ajay Goswami*

- (i) Whether speaking/reasoned
- (ii) Whether reportable

**(HARPREET SINGH BRAR)**  
**JUDGE**

Yes/No  
Yes/No