



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22305-2024 (O&M)

Date of decision: 02.07.2024

AMIT KUMAR

...PETITIONER

V/S

UNION TERRITORY OF CHANDIGARH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Mehak Bedi, Advocate for
Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. Anupam Bansal, Addl. PP UT Chandigarh.

Ms. Kashish Thakur, 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.55 dated 20.05.2022 under Sections 376(1)/377 of IPC registered at Police Station Maloya, District Chandigarh (Annexure P1), challan/report under Section 173 of Cr.P.C. (Annexure P-4) and supplementary challan under Section 173 (8) of Cr.P.C. dated 12.11.2022 (Annexure P-5) and all subsequent proceedings arising therefrom.

2. The following order was passed on 06.05.2024:

"This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.55 dated 20.05.2022 under Sections 376(1)/377 of IPC registered at Police Station Maloya, District Chandigarh (Annexure P1), challan/report under Section 173 of Cr.P.C. (Annexure P-4) and supplementary challan under Section 173 (8) of Cr.P.C. dated 12.11.2022 (Annexure P-5) and all subsequent proceedings arising therefrom.



Learned counsel for the petitioner inter alia contends that the complainant is a married lady and due to some monetary dispute, the FIR (supra) has been registered. The complainant/respondent No.2 has made a complaint to the Senior Superintendent of Police (Annexure P-8) for reinvestigation of the case as she does not want to pursue the said complaint and does not want any action against the petitioner as the complaint was given under pressure. Similarly, two attested affidavits (Annexures P-7 and P-9) are attached herewith and complainant/respondent No.2 is ready and willing to record her statement for quashing of FIR (supra) on the basis of compromise. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497.

Notice of motion for 02.07.2024.

At this stage, on the asking of the Court, Mr. Anupam Bansal, Addl.P.P., U.T. Chandigarh accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day. Learned counsel for the petitioner undertakes to secure the presence of respondent No.2 before the learned trial Court 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. 02.07.2024.

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

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.55 dated 20.05.2022 under Sections 376(1)/377 of IPC registered at Police Station Maloya, District Chandigarh (Annexure P1), challan/report under Section 173 of Cr.P.C. (Annexure P-4) and supplementary challan under Section 173 (8) of Cr.P.C. dated 12.11.2022 (Annexure P-5) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

July 02, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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