

111+234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-24970-2024 in/and
CRM-M-21616-2024
Date of decision: 04.12.2024

ABDU SAMAD

V/S
STATE OF PUNJAB AND ANOTHER

...PETITIONER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Jameel, Advocate for the petitioner.
 Mr. Nitesh Sharma, DAG, Punjab.
 Mr. Nitin Sachdeva, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.97 dated 14.09.2021 under Section 498-A of IPC registered at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 26.04.2024 (Annexure P-2).

2. On 12.11.2024, the following order was passed :

Mr. Nitin Sachdeva, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama, after obtaining no objection from earlier counsel, which is taken on record. Registry is directed to tag the same at the appropriate place.

Learned counsel for applicant/respondent No.2 submits that compromise has failed between the parties and respondent No.2 had earlier appeared before the jurisdictional Court and made a statement in terms of the compromise under duress. Learned counsel further submits that respondent No.2 undertakes to return the amount of Rs.5,50,000/- received by her, in lieu of full and final settlement, to the petitioner within a period of 10 days from today.

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List on 04.12.2024 for further consideration.”

3. Learned counsel for respondent No.2 has brought the demand draft of Rs.5,50,000/- drawn in the name of the petitioner and submits that in view of the provisions contained in Section 320 Cr.P.C. for quashing the FIR (*supra*) on the basis of compromise, the consent of respondent No.2 being the complainant is necessary and she is not agreeable to the compromise on the ground that her signatures were obtained on the settlement deed made in English and she could not understand that the petitioner has retained the custody of her minor child. Learned counsel further submits that respondent No.2 is not agreeable at any condition to part ways with her minor daughter.
4. In view of the fact that respondent No.2 has withdrawn her consent, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to file a fresh petition, in case, any genuine compromise is effected between the parties in future.
5. Dismissed as withdrawn with liberty as prayed for.
6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

December 04, 2024
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(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No