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242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30300-2023 (O&M)
Date of decision: 15.04.2024

SHANKEY

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Kumar Mor, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Karan Singh, Advocate for
Mr. Rishi Lal, 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. 43 dated 21.02.2021 registered under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 and 511 of Indian Penal Code at Police Station Ballabgarh, District Faridabad and all subsequent proceedings arising therefrom on the basis of compromise/memorandum of understanding dated 16.05.2023 (Annexure P-2).

2. The following order was passed on 12.10.2023:

“By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.43 dated 21.02.2021 registered at Police Station Ballabgarh, District Faridabad, under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 & 511 IPC along-with further proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement in respect of their dispute in the present case and the Challan has been presented under Sections 498-A, 323, 406 and 506 IPC only.

Learned counsel for the petitioner, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioner-husband and

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respondent No.2- wife but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said compromise/settlement would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Mr. Rishi Lal, Advocate has put in appearance on behalf of respondent No.2 and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of his client and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the concerned Area Magistrate/trial Court on 28.11.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Area Magistrate/trial Court shall submit the report on or before 14.02.2024 specifying therein the following points:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/ aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Area Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the

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number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Area Magistrate/trial Court be awaited for the date fixed.

However, at this stage, learned counsel for the petitioner requests submits that he intends to move an appropriate application for seeking amendment in the head-note as well as the prayer clause of the instant petition so as to correct the name of the Police Station therein.

Let the same be filed on 20.10.2023.”

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. Learned counsel for the petitioner submits that inadvertently, in the headnote of the petition as well as in the order dated 12.10.2023, description of Police Station has been mentioned as “*Police Station Ballabgarh*” in stead of “*Women Police Station, Ballabgarh*”, whereas the FIR(supra) has been registered at Women Police Station, Ballabgarh and a request has been made for making necessary correction in the headnote of the petition as well as in the order dated 12.10.2023.

5. Prayer is allowed.

6. Registry is directed to make the necessary corrections in the order dated 12.10.2023 as well as in the headnote of the petition, name of Police Station be read as “*Women Police Station, Ballabgarh*” instead of “*Police Station, Ballabgarh*”.

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**

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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. 43 dated 21.02.2021 registered under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 and 511 of Indian Penal Code at Women Police Station Ballabgarh, District Faridabad and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 15, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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