

240 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CRM-M-33161-2023 (O&M)

Date of decision: 10.04.2024

HONEY SHARMA

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Balraj Singh Sidhu, 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. 0004 dated 10.06.2020 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women, District Ferozepur all subsequent proceedings arising therefrom in view of the compromise dated 26.05.2023 (Annexure P-2).

2. The following order was passed on 13.07.2023:

“The petitioner herein seeks the quashing of the FIR bearing No.0004 dated 10.06.2020 registered at Police Station Women, District Ferozepur, under Sections 498-A and 406 IPC and all the consequential proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute in the present case.

Learned counsel appearing 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 parties and now, due to the intervention of the respectables, the same has been settled amicably.

Notice of Motion.

Mr. Kunwarbir Singh, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to respondent No.1-State in advance, accepts the notice on behalf of this respondent.

At this stage, Mr. Balraj Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2 in this petition and has submitted his Memo of Appearance in the Court and the same has been placed on the file. He accepts the notice on behalf of the said respondent 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 Illaqa Magistrate/trial Court on 21.08.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 02.11.2023 specifying therein the following:-

- 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 trial Court/Illaqa Magistrate is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

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

Power of attorney on behalf of respondent No.2 be also filed on or before the next date of hearing.”

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. 0004 dated 10.06.2020 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women, District Ferozepur and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 10, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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