

CRM-M-33039-2024

2024:PHHC:107199



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

280

CRM-M-33039-2024

Date of decision: August 20, 2024

BALWINDER SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Ms. Ekpreet Kaur, Advocate for

Mr. Abhimanyu Vinayat, Advocate for respondent no.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.14 dated 07.03.2024 under Sections 406/498-A of IPC registered at Police Station Women, Police Commissionerate Jalandhar along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.06.2024 (Annexure P-2).

2. The following order was passed on 15.07.2024

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.14 dated 07.03.2024 under Sections 406/498-A of IPC registered at Police Station Women, Police Commissionerate Jalandhar along with all

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subsequent proceedings arising therefrom on the basis of compromise dated 03.06.2024 (Annexure P-2).

Learned counsel for the petitioners submits that petitioner No.1 is working in Spain to earn his livelihood, as such, he cannot be physically present before the learned jurisdictional Magistrate to record his statement regarding compromise. Therefore, a request for recording statement of petitioner No.1 through GPA is made.

In view of the above, the prayer made by counsel for the petitioner is allowed. Petitioner No.1 is allowed to record his statement through GPA before the learned jurisdictional Magistrate.

Notice of motion for 20.08.2024.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Ms. Sushma Pathak, Advocate for Mr. Abhimanyu Vinayak, Advocate accepts notice for respondent No.2 and files power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

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. 20.08.2024.

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

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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.14 dated 07.03.2024 under Sections 406/498-A of IPC registered at Police Station Women, Police Commissionerate Jalandhar along with all subsequent proceedings arising of the same are quashed, qua the petitioners.

August 20, 2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable:	No