



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

281

**CRM-M-42309-2021(O&M)
Date of decision: 22.07.2024**

KRISHAN KUMAR AND ANR

....Petitioners

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Vineet Sehgal, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Parminder singh, 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.287 dated 08.08.2015, under Sections 498-A and 406 of IPC, registered at Police Station Sector 5, Panchkula (Annexure P-1) along with all subsequent proceedings arising therefrom including the final report dated 24.01.2016 (Annexure P-3).

2. The following order was passed on 08.05.2024:

“The parties are directed to get their statements recorded as deemed appropriate by them in the following manner:

(i) The petitioner shall appear before the trial Court/Illaq Magistrate concerned on 14.05.2024 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statements of the petitioner as well as of the complainant. As and when any such appearance is made, the trial Court/Illaq Magistrate shall do the needful for recording the statements of the parties. It shall be open to the trial Court/Illaq Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed



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appropriate by the trial Court/Illaq Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaq Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaq Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether affected parties have made a statement wilfully without there being any kind of influence or coercion. The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioner, arrayed in this petition?

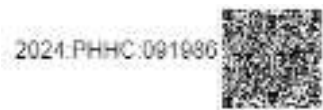
(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 29.05.2024”

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.287 dated 08.08.2015, under Sections 498-A and 406 of IPC, registered at Police Station Sector 5, Panchkula (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

5. All pending application(s), if any, stand **disposed** of accordingly.

22.07.2024				(HARPREET SINGH BRAR)
amandeep				JUDGE
	Whether speaking/reasoned.	:		Yes/No
	Whether Reportable.	:		Yes/No