



236-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35286-2024
Date of decision: 09.09.2024

MULKH RAJ AND ANOTHER

V/S

SUNITA DEVI

...PETITIONERS

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Manaise, Advocate
 for the petitioners.

 Mr. Abhishek Thakur, Advocate
 for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of complaint No.COMI-
67/2018 dated 07.04.2018 under Sections 452/354/427/323/506/120-B/148/149
of IPC titled as ‘Sunita Devi Vs. Sukhdev Raj and others’ along with
summoning order dated 01.05.2023 (Annexure P-2) passed by the learned
Judicial Magistrate 1st Class, Gurdaspur for offence under Sections
452/354/427/323/120-B of IPC and all subsequent proceedings arising
therefrom on the basis of compromise dated 05.07.2024 (Annexure P-3).

2. The following order was passed on 07.08.2024 :-

*“This petition has been filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of
complaint No. COMI-67/2018 dated 07.04.2018 under Sections
452/354/427/323/506/120-B/148/149 of IPC titled as ‘Sunita Devi
Vs. Sukhdev Raj and others’ along with summoning order dated
01.05.2023 (Annexure P-2) passed by the learned Judicial
Magistrate 1st Class, Gurdaspur for offence under Sections
452/354/427/323/120-B of IPC and all subsequent proceedings*



arising therefrom on the basis of compromise dated 05.07.2024 (Annexure P-3).

Notice of motion for 09.09.2024.

Mr. Abhishek Thakur, Advocate puts in appearance and accepts notice for the respondent and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to him 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. 09.09.2024.

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

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 complaint No.COMI-67/2018 dated 07.04.2018 under Sections 452/354/427/323/506/120-B/148/149 of IPC titled as 'Sunita Devi Vs. Sukhdev Raj and others' along with summoning order dated 01.05.2023 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Gurdaspur



for offence under Sections 452/354/427/323/120-B of IPC and all consequential proceedings arising out of the same are quashed, qua the petitioners.

September 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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