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2024:PHHC:054129

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36843-2023

Date of decision: 22.04.2024

MOHAMMAD SHAHNAWAJ

....PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Ms. Menka Gupta, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Ms. Suman Kumar, 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. 29 dated 25.06.2022 registered under Sections 406/498-A of Indian Penal Code at Women Police Station, District Patiala (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 11.07.2023 (Annexure P-2).

2. The following order was passed on 29.01.2024:-

“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.29 dated 25.06.2022 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Women Police Station, District Patiala Punjab and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 11.07.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the

*compromise deed dated 11.07.2023 has been appended with the present petition as Annexure P-2. Learned counsel further contends that petitioner and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 wherein first motion statements have been recorded and now the case is pending for recording of second motion statements. Learned counsel for the petitioner has relied upon the judgment by the Hon'ble Supreme Court rendered in "**Gian Singh V/s State of Punjab & Anr.**" [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "**Kulwinder Singh & Ors. Vs. State of Punjab & Anr.**" [2007 (3) RCR (Criminal) 1052].*

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

*List on **22.04.2024.***

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **12.03.2024** or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the settlement/compromise dated 11.07.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties”.*

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3. In compliance of the above 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. 29 dated 25.06.2022 registered under Sections 406/498-A of Indian Penal Code at Women Police Station, District Patiala (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 11.07.2023 (Annexure P-2), are quashed, qua the petitioner.

22.04.2024

Anu

(HARPREET SINGH BRAR)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |