



CRM-M-36786-2024 (O&M)

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243 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36786-2024 (O&M)
Date of Decision: 02.09.2024

KULWANT SINGH AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Naveen Batra, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 30.01.2020 under Sections 406 & 498-A of IPC, registered at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) and the order dated 10.07.2024 (Annexure P-2) passed by learned Chief Judicial Magistrate, SBS Nagar, vide which petitioner No.1 was declared a proclaimed person as well as all the subsequent proceedings arising therefrom on the basis of compromise dated 21.06.2024 (Annexure P-3).

2. The following order was passed on 01.08.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 30.01.2020 under Sections 406 & 498-A of IPC, registered at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) and the order dated 10.07.2024 (Annexure P-2) passed by learned Chief Judicial Magistrate, SBS Nagar, vide which petitioner No.1 was declared a proclaimed person as well as all the subsequent proceedings arising therefrom on the basis of compromise dated 21.06.2024 (Annexure P-3).



Learned counsel for the petitioners, inter alia, contends that the impugned order dated 10.07.2024 (Annexure P-2) was passed by learned trial Court without following the mandate of Section 82 Cr.P.C. Admittedly, at the time of registration of FIR (supra), petitioner No.1 was abroad and he was never served with the summons/bailable/non-bailable warrants/proclamation. It is further submitted that petitioner No.1 is residing abroad and he may be allowed to record his statement in support of the compromise through his father-General Power of Attorney.

Notice of motion for 02.09.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day.

Learned counsel for the petitioners undertakes to secure presence of respondent No.2 at the time of recording the statements.

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.

As requested, petitioner No.1 is permitted to record his statement in support of the compromise through his father-General Power of Attorney.

Meanwhile, operation of the impugned order dated 10.07.2024 (Annexure P-2), declaring the petitioner No.1 as proclaimed person, shall remain stayed.

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



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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.17 dated 30.01.2020 under Sections 406 & 498-A of IPC, registered at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners, including order dated 10.07.2024, vide which petitioner No. 1 was declared as proclaimed offender.

(HARPREET SINGH BRAR)
JUDGE

02.09.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No