

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38818-2023 (O&M)
Date of decision: 18.04.2024

BIMLA RANI AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Subhash Kumar, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Ms. Amardeep Kaur, 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. 2 dated 05.01.2021 registered under Sections 406, 498-A of of Indian Penal Code at Police Station Patran, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2023 (Annexure P-2).

2. The following order was passed on 09.08.2023:

“Contends, inter alia, that matter has been compromised between the parties.

(2) *Notice of motion.*

(3) On asking of the Court, Mr. Jaiteshwar S. Bhandari, AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Ms. Amandeep Kaur, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. She acknowledged the factum of compromise dated 29.07.2023 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 31.08.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi). Whether any of the petitioner(s) is/are previous convict or not?*

(9) List before this Court on 20.09.2023 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict 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 FIR No. 2 dated 05.01.2021 registered under Sections 406, 498-A of of Indian Penal Code at Police Station Patran, District Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 18, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No