



CRM-M-38006-2024

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233 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38006-2024

Date of decision: 03.12.2024

LAKHWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Ankush Rampal, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. for seeking quashing of FIR No.12 dated 12.02.2022 under Sections 498-A of IPC, 1860 registered at Police Station Aur, District SBS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. The following order was passed on 06.08.2024:

"This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.12 dated 12.02.2022 under Section 498-A of IPC, registered at Police Station Aur, District SBS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Notice of motion for 06.09.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr.Ankush Rampal, Advocate accepts notice for respondent No.2 and files Power of Attorney,



which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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 by learned counsel for respondent No.2, permission is granted to respondent No.2-complainant to record her statement before learned trial Court/Illaqa Magistrate in support of the compromise through her sister-Special Power of Attorney.

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

3. Thereafter, on 06.09.2024 the following order was passed:

"Learned counsel for the petitioner submits that in compliance of order dated 06.08.2024, the parties could not appear before the learned Illaqa Magistrate/trial Court for getting their statements recorded in support of the compromise, due to some unavoidable circumstances. The report dated 27.08.2024 has been received from the jurisdictional Magistrate in this regard. Learned counsel for the petitioners seeks one more opportunity to comply with the order dated 06.08.2024.

In the interest of justice, parties are again directed to appear before the learned trial Court/Illaqa Magistrate within a period of two months or any other date convenient to the trial Court/Illaqa Magistrate to get their statements



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recorded in the same terms as mentioned in the order dated 06.08.2024 subject to payment of cost of Rs. 5,000/- to be deposited in PGIMER Poor Patient Welfare Fund, Chandigarh.

Report of learned Illaqa Magistrate/trial Court be awaited for 03.12.2024."

4. 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.

5. 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.12 dated 12.02.2022 under Sections 498-A of IPC, 1860 registered at Police Station Aur, District SBS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

03.12.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No