

CRM-M-38445-2024
Date of decision: 09.09.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. V.K. Pujara, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.243 dated 03.09.2017 under Sections 376/341/506/120-B of IPC registered at Police Station Dakha, District Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 24.05.2024 (Annexure P-2). First petition was dismissed as withdrawn with liberty to file fresh petition after challenging the P.O. order.

2. The following order was passed on 09.08.2024 :-

“This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.243 dated 03.09.2017 under Sections 376/341/506/120-B of IPC registered at Police Station Dakha, District Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise dated 24.05.2024 (Annexure P-2). First petition was dismissed as withdrawn with liberty to file fresh petition after challenging the P.O. order.

Learned counsel for the petitioner inter alia contends that petitioner is neighbour of respondent No.2 and is alleged to have



develop physical relations with respondent No.2 on the pretext of marriage followed by blackmailing her with some obscene pictures which were clicked by him. The complainant/respondent No.2 has made a complaint on the basis of which the FIR (supra) got registered. He further submits that the parties are ready and willing to record their statements for quashing of FIR (supra) on the basis of compromise. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497.

Notice of motion for 09.09.2024

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Vikrant Pujara, Advocate accepts notice for respondent No.2 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

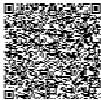
Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/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 FIR No.243 dated 03.09.2017 under Sections 376/341/506/120-B of IPC registered at Police Station Dakha, District Ludhiana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

September 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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