



CRM-M-38444-2024 (O&M)

1

245 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38444-2024 (O&M)

Date of Decision: 10.09.2024

HIMANSHU BHARDWAJ AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gulzar Mohd., Advocate (through video conferencing)
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Siddharth Sihag, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

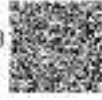
1. Instant petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 185 dated 03.06.2020, registered under Sections 498-A, 406 of Indian Penal Code at Police Station City, Kapurthala and summoning order dated 16.01.2023 (Annexure P-2), on the basis of compromise dated 30.07.2024 (Annexure P3).

2. The following order was passed on 09.08.2024:

“Instant petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 185 dated 03.06.2020, registered under Sections 498-A, 406 of Indian Penal Code at Police Station City, Kapurthala and summoning order dated 16.01.2023 (Annexure P-2), on the basis of compromise dated 30.07.2024 (Annexure P3).

Notice of motion.

Mr. Rishabh Singla, AAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. Siddharth Sihag, Advocate has put in appearance on behalf of



CRM-M-38444-2024 (O&M)

2

respondent No. 2 and filed his memo of appearance and seeks some time for filing his power of attorney. MOP is taken on record. Learned counsel for respondent No. 2 admits the factum of compromise.

Service is complete.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 16.04.2024.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. Vide order dated 23.08.2024, passed in IOIN-CRM-M-38444-2024, next date of hearing was corrected to be read as 10.09.2024.

4. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise effected between the parties is genuine and arrived at without any pressure or coercion from anyone.

5. Learned counsel for respondent No. 2 submits that the date for recording of statements of the parties at the stage of second motion before the learned Family Court in a petition seeking decree of divorce by mutual consent filed under Section 13-B of Hindu Marriage Act is fixed for 04.02.2025 and some of the balance settled amount will have to be paid on the said date.

6. 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**



CRM-M-38444-2024 (O&M)

3

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. 185 dated 03.06.2020, registered under Sections 498-A, 406 of Indian Penal Code at Police Station City, Kapurthala and summoning order dated 16.01.2023 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

7. However, if petitioners fail to comply with the terms and conditions of the compromise (Annexure P-2 and P-3), the respondent No. 2 would be at liberty to revive the present petition.

(HARPREET SINGH BRAR)
JUDGE

10.09.2024
Ajay Goswami

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