

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-42849-2022 (O&M)

Date of Decision: 14.02.2024

BALVINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Sandeep Kumar, DAG Punjab.

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. 61 dated 11.07.2017 registered under Sections 323, 498-A and 406 of Indian Penal Code at Police Station Smalsar, District Moga and all subsequent proceedings arising therefrom in view of the *panchayati* compromise 02.09.2022 (Annexure P-2).

2. The following order was passed on 22.09.2022:

“Prayer in this petition is for quashing of FIR No.61 dated 11.07.2017 under Sections 323, 498-A and 406 of IPC, 1860, registered at Police Station Smalsar, District Moga, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of panchayati compromise dated 02.09.2022, Annexure P-2.

Counsel for the petitioner submits that FIR, Annexure P-1, is an outcome of a petty matrimonial dispute, which has been amicably settled by panchayati compromise, Annexure P-2, and the parties are living together with their son.

Notice of motion.

On asking of the Court, Mr. P.S. Grewal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

As per instructions received by him from ASI Baljinder Singh, he submits that the investigation is complete and challan has been presented against the accused-petitioner. He, however, submits that as the accused-petitioner has absented himself from the proceedings, proclamation proceedings have been initiated against him. Ms. Gurjit Kaur Sandhu, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed Power of Attorney in Court, which is already on the record. She admits the factum of compromise and does not controvert the statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 18.11.2022 or on any day thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Area Magistrate/Trial Court be awaited for 07.02.2023.

In the meanwhile, trial court shall adjourn the proceedings beyond the date fixed by this Court.”

3. In compliance of the above 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. 61 dated 11.07.2017 registered under Sections 323, 498-A and 406 of Indian Penal Code at Police Station Smalsar, District Moga and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

14.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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