

**Sr. No.302****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39827-2024 (O&M)****Date of decision: 12th November 2024****VIDHAN KOHLI****.....Petitioner****versus****STATE OF PUNJAB AND ANR****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Nitin Sachdeva, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

Ms. Deepika Choudhary, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.148 dated 04.12.2021, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 06.05.2024 (Annexure P-4), executed between the parties.

2. The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report *qua* the genuineness of the compromise was sought from the trial Court/Illaq Magistrate vide order dated 20.08.2024.

3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Ludhiana and got their statements recorded.



On the basis of the statements so recorded, the learned Magistrate has submitted report dated 07.11.2024 with the following observations:-

“xxx xxx xxx xxx

(ii) *As per the statement suffered by ASI Harjinder Singh, Investigating Officer, there is one complainant, injured/aggrieved namely, Aarti Kohli and only one accused namely Vidhan Kohli in the present FIR.*

(iii) *As per statement of IO ASI Harjinder Singh, no additional accused has been added in the present FIR, during the course of investigation.*

(iv) *As per statement of IO ASI Harjinder Singh, no proclaimed offender proceedings are pending against accused of the instant FIR.*

(v) *As per statement of IO ASI Harjinder Singh, no offence was added or deleted, after registration of FIR, during the course of investigation.*

(vi) *As per statement of IO ASI Harjinder Singh, no investigation is pending against the any of the accused and nor, any accused has been declared as innocent.*

(vii) *The perusal of the statements got recorded by parties, it shows that the compromise has been effected between them, voluntarily, without any pressure, coercion or threat from any side. Also, there seems no play of fraud or misrepresentation in the compromise, so effected between the parties and the complainant Aarti Kohli has no objection, in quashing of FIR against accused Vidhan Kohli, on the basis of Compromise Ex. C1.*

xxx xxx xxx xxx”

4. Ms. Deepika Choudhary, Advocate has put in appearance on behalf of respondent No.2 and filed her ‘vakalatnama’, which is taken on record.



5. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

6. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

7. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.148 dated 04.12.2021, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

8. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 06.05.2024 (Annexure P-4) are violated.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th November 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No