

CRM-M-40921-2024
Date of decision: 23.09.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Ms. Gaganbir Kaur Kahlon, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

None for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.52 dated 12.07.2024 under Section 376 of IPC (now Section 64 of BNS, 2023) registered at Police Station Women District Amritsar, Punjab (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2024 (Annexure P-2).

2. The following order was passed on 23.08.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.52 dated 12.07.2024 under Section 376 of IPC (now Section 64 of BNS, 2023) registered at Police Station Women District Amritsar, Punjab (Annexure P-1 along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2024 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the relationship between the petitioner and the complainant was consensual and they were living together as husband and wife but



due to some personal dispute, the FIR (supra) has been registered. The complainant/respondent No.2 has made a complaint on the basis of which the FIR (supra) got registered. He further submits that with the intervention of respectables and elders of both the parties, the matter has been compromised, as a result of which, the petitioner and the complainant again started living together. It is further submitted 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 23.09.2024.

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. Vishal Munjal, Advocate accepts notice for respondent No.2 and files his vakalatnama 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. 23.09.2024.

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

In the meantime, no coercive steps shall be taken against the petitioner."

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



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.52 dated 12.07.2024 under Section 376 of IPC (now Section 64 of BNS, 2023) registered at Police Station Women District Amritsar, Punjab (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

September 23, 2024
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(HARPREET SINGH BRAR)
JUDGE

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