



236-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41078-2024
Date of decision: 09.09.2024

ANIL KUMAR AND OTHERS
V/S
SUNITA DEVI
...PETITIONERS
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioners.

None for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of complaint No.COMI-
67/07.04.2018 (Annexure P-1) titled as ‘Sunita Devi Vs. Sukhdev Raj and
others’ along with summoning order dated 20.02.2023 (Annexure P-2) passed
by the learned Judicial Magistrate 1st Class, Gurdaspur summoning petitioners
under Sections 452/354/427/323/120-B of IPC and all subsequent proceedings
arising therefrom on the basis of compromise dated 09.08.2024 (Annexure P-
3).

2. The following order was passed on 27.08.2024 :-

*“This petition has been filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of
complaint No. COMI-67/07.04.2018 (Annexure P-1) titled as
‘Sunita Devi Vs. Sukhdev Raj and others’ along with summoning
order dated 20.02.2023 (Annexure P-2) passed by the learned
Judicial Magistrate 1st Class, Gurdaspur summoning petitioners
under Sections 452/354/427/323/120-B of IPC and all subsequent*



proceedings arising therefrom on the basis of compromise dated 09.08.2024 (Annexure P-3).

Learned counsel for the petitioners submits that petitioner No.3 is residing abroad and as such, he cannot be physically present before the learned jurisdictional Magistrate to record his statement regarding compromise.

Therefore, a request for recording statement of respondent No.2 through SPA is made.

In view of the above, the prayer made by counsel for the petitioners is allowed. Petitioner No.3 is allowed to record his statement through SPA before the learned jurisdictional Magistrate.

Notice of motion for 09.09.2024.

Mr. Vishal Munjal, Advocate puts in appearance and accepts notice for the respondent and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to him 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 one week 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.

To be heard along with CRM-M-35286-2024 on the date fixed.”

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 complaint No.COMI-67/07.04.2018 (Annexure P-1) titled as ‘Sunita Devi Vs. Sukhdev Raj and others’ along with summoning order dated 20.02.2023 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Gurdaspur summoning petitioners under Sections 452/354/427/323/120-B of IPC and all consequential proceedings arising out of the same are quashed, qua the petitioners.

September 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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