

**CRM-M-40479-2024 (O&M)****1****113+242 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-40479-2024 (O&M)
Date of Decision: 23.10.2024****OM PARKASH****...Petitioner****Versus****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. J.K. Singla, Advocate and
Ms. Shivani Singla, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Kanhiya Soni, Advocate for
Ms. Kashish Garg, Advocate 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.53 dated
06.10.2018 under Sections 498-A & 406 of IPC, registered at Police Station
Women, District Bathinda (Annexure P-1) along with all subsequent
proceedings arising therefrom on the basis of compromise dated 12.08.2024
(Annexure P-2).

2. The following order was passed on 22.08.2024:

*“This petition has been filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of
FIR No.53 dated 06.10.2018 under Sections 498-A & 406 of
IPC, registered at Police Station Women, District Bathinda
(Annexure P-1) along with all subsequent proceedings arising
therefrom on the basis of compromise dated 2.08.2024
(Annexure P-2).*

Notice of motion for 23.09.2024.

**CRM-M-40479-2024 (O&M)****2**

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Kashish Garg, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. 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.

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

3. Thereafter, the report was received from learned District & Sessions Judge, Bathinda, that none of the parties had appeared before Judicial Magistrate Ist Class, Bathinda for recording their statements in terms of the compromise and this Court vide order dated 23.09.2024, again directed the parties for getting their statements recorded. However, the petitioner filed CRM-40580-2024 and following order was passed on 22.10.2024, on the said application:

“The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking recalling/modification of order dated 23.09.2024 passed by this Court.

Learned counsel for the applicant/petitioner submits that the FIR (supra) was registered at Police Station Women Cell, Bathinda. However, the final report was filed before

**CRM-M-40479-2024 (O&M)****3**

the learned Sub Divisional Judicial Magistrate, Phul. The petitioner and the private respondents had appeared before the learned trial Court on 23.08.2024 and recorded their statements in terms of compromise. However, inadvertently, the learned Sessions Judge has sought the report from the learned Judicial Magistrate 1st Class, Bathinda, which indicates that the parties have not appeared to record their statements in terms of compromise.

The learned State counsel, on instructions from ASI Bhola Singh, submits that the final report in the FIR (supra) was presented before the learned Sub Divisional Judicial Magistrate, Phul and the trial is under progress before the same Presiding Officer.

In view of the above, the order dated 23.09.2024 is hereby recalled to the extent of payment of Rs.5,000/- as costs and appearance before the Court below for recording the statement in terms of compromise.

To be heard along with the main case i.e. 23.10.2024 the date already fixed.”

4. In view of availability of the certified copy of the statements of the parties and report of the Sub Divisional Judicial Magistrate, Phul, that the trial is progressing and both the parties have duly appeared on 23.08.2024 and got their statements recorded in support the compromise.

5. 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 (CrI.) 1052**, this petition is allowed and FIR No.53 dated 06.10.2018

under Sections 498-A & 406 of IPC, registered at Police Station Women, District Bathinda (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

6. In view of the fact that twice, the report has been sent by learned District & Sessions Judge, Bathinda on the basis of report submitted by Judicial Magistrate Ist Class, Bathinda, that parties have not appeared in compliance of the order passed by this Court for recording their statements in terms of the compromise, the litigants have faced unnecessary inconvenience and learned District & Sessions Judge, Bathinda is directed to issue appropriate administrative directions to avoid occurrence of such lapse in future.

7. Registry is directed to send a copy of this order to learned District & Sessions Judge, Bathinda for compliance.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Ajay Goswami

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