

CRM-M-41213-2024 (O&M)

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229 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41213-2024 (O&M)

Date of Decision: 04.11.2024

RAHUL SHARMA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Nimish Gautam, Advocate
for respondent No. 2.

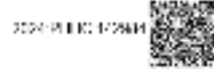
Harpreet Singh Brar J.(Oral)

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.37 dated
16.05.2023 under Sections 498-A/323 of IPC registered at Police Station
Kahnuwan, District Gurdaspur (Annexure P-1) along with all subsequent
proceedings arising therefrom on the basis of compromise dated 14.08.2024
(Annexure P-2).

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
FIR No.37 dated 16.05.2023 under Sections 498-A/323 of IPC
registered at Police Station Kahnuwan, District Gurdaspur
(Annexure P-1) along with all subsequent proceedings arising
therefrom on the basis of compromise dated 14.08.2024
(Annexure P-2).*

Notice of motion for 27.09.2024.



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. Nimish Gautam, 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.

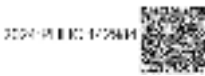
In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial 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. 27.09.2024.

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

3. Vide order dated 03.10.2024, one more opportunity was granted to the parties for getting their statements recorded, in terms of the compromise.

4. In compliance of the aforesaid orders, 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.

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.37 dated 16.05.2023 under Sections 498-A/323 of IPC registered at Police Station Kahnuwan, District Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

04.11.2024
Ajay Goswami

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