



CRM-M-43048-2024

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248 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43048-2024

Date of Decision: 03.10.2024

RAMESH KUMAR

...PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.P.S. Jammu, Advocate
for Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Santosh Kumar Yadav, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 528 B.N.S.S. seeking quashing of FIR No.0273 dated 06.07.2022 under Section 25 of Arms Act, and Sections 147, 148, 323, 354, 377, 406, 498-A & 506 of IPC, registered at Police Station Ellenabad, District Sirsa (Annexure P-1) (charges have been framed only under Sections 498-A, 323, 406 and 506 of IPC) along with all subsequent proceedings arising therefrom on the basis of compromise/settlement deed dated 13.08.2024 (Annexure P-3).

2. The following order was passed on 02.09.2024:

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.273 dated 06.07.2022 under Section 25 of Arms Act, 1950 and Sections 147, 148, 323, 354, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Ellenabad, District Sirsa (Annexure P-1) (charges have been framed only under Sections 498-A, 323, 406, 506 of IPC) along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.08.2024 (Annexure P-3).



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Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered due to matrimonial discord between the petitioner and respondent No.2. The dispute between the parties is purely private in nature. Now respondent No.2 has effected a compromise with the petitioner and they have settled the dispute amicably.

Notice of motion for 03.10.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Santosh Kumar Yadav, Advocate accepts notice for respondent No.2 and files Memorandum of Appearance, which is taken on record. He undertakes to file Vakalatnama in the Registry on or before the next date of hearing. 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. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise effected 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 FIR No.0273 dated 06.07.2022 under Section 25 of Arms Act, and



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Sections 147, 148, 323, 354, 377, 406, 498-A & 506 of IPC, registered at Police Station Ellenabad, District Sirsa (Annexure P-1) (charges have been framed only under Sections 498-A, 323, 406 and 506 of IPC) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

03.10.2024
Ajay Goswami

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