



CRM-M-43122-2024 (O&M)

1

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43122-2024 (O&M)

Date of decision: 16.10.2024

SAURABH UPADHYAY

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramandeep Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Luvraj Dhindsa, Advocate
for respondent No. 4/complainant.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 528 of BNSS seeking quashing of FIR No.255 dated 04.09.2022 under Sections 323/376/377/342/504/506 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.08.2024 (Annexure P-2) and no objection affidavit dated 27.08.2024 (Annexure P-3).

2. The following order was passed on 12.09.2024:

"This petition has been filed under Section 528 of BNSS seeking quashing of FIR No.255 dated 04.09.2022 under Sections 323/376/377/342/504/506 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.08.2024 (Annexure P-2) and no objection affidavit dated 27.08.2024 (Annexure P-3).

Learned counsel for the petitioner inter alia contends that the petitioner and the complainant/respondent No.4 came in contact with each other when father of the petitioner was looking for a suitable match for his son on a matrimonial website and they got



engaged on 23.04.2022 but could not develop liking and affection towards each other and out of frustration and misunderstanding, the complainant/respondent No.4 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. 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 and the judgment of this Court passed in 'Karan Sharma Vs. State of Haryana and another' CRM-M-30033 of 2020 (O&M) decided on 22.12.2020.

Notice of motion for 16.10.2024.

At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Luvraj S. Dhindsa, Advocate accepts notice for respondent No.4 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.

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 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**



CRM-M-43122-2024 (O&M)

3

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.255 dated 04.09.2022 under Sections 323/376/377/342/504/506 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

October 16, 2024*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**

- | | |
|------|---------------------------|
| (i) | Whether speaking/reasoned |
| (ii) | Whether reportable |

Yes/No
Yes/No