



CRM-M-43649-2024 (O&M)

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**229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43649-2024 (O&M)

Date of decision: 16.10.2024

SADIK KHAN AND OTHERS**...PETITIONERS****V/S****STATE OF HARYANA AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present: Mr. Satbir Singh Gill, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mohd. Salim, 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.499 dated 21.09.2016 under Sections 323/498-A/503/506/120-B of IPC (Section 25 of Arms Act now deleted) registered at Police Station Punhana, District Mewat Nuh (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise recorded in order dated 26.04.2023 (Annexure P-10).

2. The following order was passed on 06.09.2024:

"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.499 dated 21.09.2016 under Sections 323/498-A/503/506/120-B of IPC (Section 25 of Arms Act now deleted) registered at Police Station Punhana, District Mewat Nuh (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise recorded in order dated 26.04.2023 (Annexure P-10).

Notice of motion for 16.10.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent



No.1-State and Mr. Mohd. Salim, Advocate accepts notice for respondent No.2 and files his memorandum of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel for respondent No.2 is directed to file his power of attorney on or before the next date of hearing.

Service is complete.

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

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court and perusal of the said report indicates that statements of petitioner No. 1 and complainant-respondent No. 2 has been recorded. However, statements of other accused persons have not been recorded.

4. Learned counsel for the petitioners submits that it is matrimonial dispute and as past present and future permanent alimony, an amount of Rs. 15,00,000/- has already been paid to respondent No. 2 and she has already made the statement before the Judicial Magistrate Ist Class, Punhana on 09.10.2024 in compliance of the order passed by this Court. Learned counsel for the petitioner further submits that for quashing of the FIR(supra), only consent of the complainant-respondent No. 2 is required and once she has appeared and made a statement to the effect that matter has been settled amicably between her and the accused persons and she has no objection if the



FIR(supra) is quashed qua the petitioners then it would be of no consequence if some of the accused have not appeared and both husband and wife have appeared and recorded their statements in terms of the compromise.

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 (CrI.) 1052**, this petition is allowed and FIR No.499 dated 21.09.2016 under Sections 323/498-A/503/506/120-B of IPC (Section 25 of Arms Act now deleted) registered at Police Station Punhana, District Mewat Nuh (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

October 16, 2024

Ajay Goswami

**(HARPREET SINGH BRAR)
JUDGE**

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

Yes/No
Yes/No