

CRM-M-43681-2024
Date of decision: 14.10.2024

...PETITIONER

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Present: Mr. D.P.S. Bajwa, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Rahul Singh, 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.0493 dated 28.11.2022 under Sections 323/406/498-A of IPC registered at Police Station Gandhi Nagar, Yamuna Nagar at Jagadhri, District Yamuna Nagar (Haryana) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.02.2024 (Annexure P-2).

2. The following order was passed on 05.09.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0493 dated 28.11.2022 under Sections 323/406/498-A of IPC registered at Police Station Gandhi Nagar, Yamuna Nagar at Jagadhri, District Yamuna Nagar (Haryana) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.02.2024 (Annexure P-2).

Notice of motion for 14.10.2024.

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. Rahul Singh, Advocate accepts notice for respondent No.2



and files his power of attorney 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 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.0493 dated 28.11.2022 under Sections 323/406/498-A of IPC registered at Police Station Gandhi Nagar, Yamuna Nagar at Jagadhri, District Yamuna Nagar (Haryana) (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

October 14, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |