2024:PHHC:135252

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45576-2024 (O&M)
Date of decision: 16.10.2024

Ankit Deswal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj Kaushik, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Jaswinder Singh Rana, Advocate
for respondent No.2.

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HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.100 dated 29.12.2022 under Sections 498-A, 323, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3(1)(r)(s) & 3(2)(Va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (Amended 2015) (for short 'SC&ST Act'), registered at Women Police Station Gurugram, District Gurugram along with all the subsequent proceedings arising

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therefrom, on the basis of compromise dated 21.08.2024 (Annexure P-2).

2. The following order was passed on 13.09.2024: -

"Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR No. 100 dated 29.12.2022, registered under Sections 498-A, 323, 506 of Indian Penal Code and Sections 3(1)(r)(s), 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (Amendment 2015) at Police Station Women Gurugram, District Gurugram along with all subsequent proceedings arising out of the same, on the basis of compromise dated 21.08.2024 (Annexure P-2).

Notice of motion.

Ms. Geeta Sharma, DAG Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. Jaswinder Singh Rana, Advocate has put in appearance on behalf of respondent No. 2 and filed power of attorney. Same is taken on record. Learned counsel for respondent No.2 admits the factum of compromise.

Service is complete.

In the meantime, Parties are directed to appear before the learned trial Court/Illaqa Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaqa Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 16.10.2024.

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A copy of this 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 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.100 dated 29.12.2022 under Sections 498-A, 323, 506 of IPC and Sections 3(1)(r)(s) & 3(2)(Va) of SC&ST Act, registered at Women Police Station Gurugram, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

[HARPREET SINGH BRAR]
JUDGE

16.10.2024
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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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