



227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46504-2023 (O&M)
Date of decision: 13.05.2024

AMARJEET SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF UT CHANDIGARH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Khurcha, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. PP UT Chandigarh.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 151 dated 05.11.2019 registered under Sections 498-A, 406 of Indian Penal Code at Women Cell, Police Station Sector-17, Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 11.09.2023. (Annexure P-2).

2. The following order was passed on 19.10.2023:

“CRM No.41059 of 2023

This application has been moved on behalf of the applicants petitioners for seeking permission to place the certified copies of the statement of petitioner No.1 and respondent No.2, as recorded on first motion in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 as well as of the order passed by the Family Court on 12.09.2023, on the record as Annexures P-A and P-B respectively.

Heard.

Keeping in view the reasons as mentioned in the present application, the same is allowed and Annexures P-A and P-B are taken on the record.

CRM-M No.46504 of 2023



The petitioners herein pray for the quashing of the FIR bearing No.151 dated 05.11.2019 registered at Women Cell Police Station, Sector 17, Chandigarh, under Sections 498-A and 406 IPC, along-with all the consequential proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.

Learned counsel for the petitioners, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioners and respondent No.2 complainant but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said settlement/compromise would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

Mr. Tarun Singh, Advocate, has appeared for Mr. Sumit Jain, learned Additional Public Prosecutor, UT, Chandigarh on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to respondent-UT in advance, accepts the notice.

At this stage, Mr. Sumit Kalyan, Advocate has put in appearance on behalf of respondent No.2 and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of his client and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 29.03.2024 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 13.05.2024 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/ aggrieved and whether all of them have appeared and made their statements in support of the compromise;*



- 4. the stage of the trial/proceedings;
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;
- 6. whether any other criminal case is pending against any of the accused.

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR. fixed.

Report of Illaqa Magistrate/trial Court be awaited for date fixed.”

3. Vide order dated 04.04.2024, the parties were again directed to get their statements recorded in support of the compromise. In compliance of the aforesaid orders, 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 (CrI.) 1052**, this petition is allowed and FIR No. 151 dated 05.11.2019 registered under Sections 498-A, 406 of Indian Penal Code at Women Cell, Police Station Sector-17, Chandigarh and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 13, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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