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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45000-2024 (O&M)
Date of decision: 16.10.2024

Vijay Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Ms. Gursimran Walia, Advocate and
Mr. D.S. Walia, Advocate for the petitioner.

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

Mr. Kapil Rana, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.30 dated
02.04.2023 under Sections 406 & 498-A of the Indian Penal Code, 1860
(for short 'IPC'), registered at Police Station Ladhawal, District Ludhiana
(Annexure P-1) as well as all the subsequent proceedings arising therefrom
on the basis of compromise dated 14.08.2024 (Annexure P-2).
2. Learned counsel for the petitioner submits that the order dated

2024:PHHC:135291



24.08.2023, vide which the petitioner was declared as proclaimed offender in the FIR (*supra*), has already been set aside by this Court vide order dated 11.09.2024.

3. The following order was passed on 11.09.2024: -

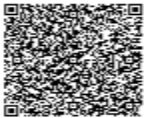
“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.30 dated 02.04.2023 under Sections 406 & 498-A of IPC, registered at Police Station Ladhawal, District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise dated 14.08.2024 (Annexure P-2).

Notice of motion for 16.10.2024.

At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Kapil Rana, Advocate accepts notice for respondent No.2 and files Power of Attorney, which is taken on record. 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.”*

4. 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.

5. 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.30 dated 02.04.2023 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Lathowal, District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

16.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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