

247

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45554-2024 (O&M)
Date of decision: 16.10.2024

Deepak Wadhwa and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Maneesh Bali, Advocate
for the petitioners.

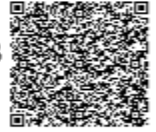
Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Anmol Singh Virk, Advocate for
Mr. Vaibhav Parshar, 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.0333 dated
24.12.2019 under Sections 498-A & 406 of the Indian Penal Code, 1860
(for short 'IPC'), registered at Police Station City Phagwara, District
Kapurthala along with all subsequent proceedings arising out of the same,
on the basis of compromise dated 24.04.2024 (Annexure P-2).

2024:PHHC:135253



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. 0333 dated 24.12.2019, registered under Sections 498-A and 406 of Indian Penal Code at Police Station City Phagwara, District Kapurthala along with all subsequent proceedings arising out of the same, on the basis of compromise dated 24.04.2024 (Annexure P-2).

Learned counsel for petitioners contends that petitioners are residing abroad. Therefore, prayer has been made for getting their statements recorded through General Power of Attorney.

Notice of motion.

Mr. Sandeep Kumar, DAG Punjab., who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr.Vaibhav Parshar, 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.

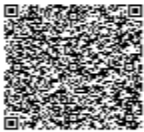
Service is complete.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq 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.

Learned trial Court is directed to get the statements of the petitioners recorded through their General Power of Attorney.

A copy of this 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.333 dated 24.12.2019 under Sections 498-A & 406 of IPC, registered at Police Station City Phagwara, District Kapurthala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

5. All the pending miscellaneous application(s), if any, shall stand disposed of.

16.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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