

CRM-M-46185-2024
Date of decision: 18.10.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. S.S. Swaich, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Sahibjeet Singh Sandhu, Advocate
for respondent No.2.

1. The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.287 dated
13.08.2024 under Sections 376/506 of IPC registered at Police Station City
Kharar, District SAS Nagar (Annexure P-1) and all the subsequent proceedings
arising therefrom on the basis of compromise dated 29.08.2024 (Annexure P-
2).

2. The following order was passed on 17.09.2024 :-

“The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.287 dated 13.08.2024 under Sections 376/506 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.08.2024 (Annexure P-2).

Learned counsel for the petitioner submits that the complainant/respondent No.2 has made a complaint on the basis of which the FIR (supra) got registered. He further submits that now



the parties have compromised the matter and are ready and willing to record their statements for quashing of FIR (supra) on the basis of compromise. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497 and the judgment of this Court passed in 'Karan Sharma Vs. State of Haryana and another' CRM-M-30033 of 2020 (O&M) decided on 22.12.2020.

Notice of motion for 18.10.2024.

At this stage, on the asking of the Court, Mr. Sandeep Kumar DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Sahibjeet Singh Sandhu, 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.287 dated 13.08.2024 under Sections 376/506 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

October 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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