



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-47024-2024
Date of decision: 21.11.2024

RAKSHIT BAJAJ

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Mittal, Advocate and
Mr. Suresh Kumar, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Randhir Singh, Advocate for
Mr. Deepak Malhotra, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.(ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No.24 dated 24.03.2024 under Section 498-A IPC, registered at Police Station Women Cell, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise dated 12.08.2024 (Annexure P-2), entered into between the parties.

2. On 20.09.2024, following order was passed:-

“Instant petition has been filed under Section 482 of Cr.P.C. seeking quashing of the FIR No. 24 dated 24.03.2024, registered under Sections 498-A of Indian Penal Code at Police Station Women Cell Jalandhar and all subsequent proceedings arising out of the



same, on the basis of compromise dated 12.08.2024 (Annexure P-2).

Notice of motion returnable for 21.10.2024.

Mr. Sandeep Kumar, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. Deepak Malhotra, Advocate has put in appearance on behalf of respondent No. 2 and 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. 21.10.2024.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. Thereafter on 21.10.2024, following order was passed:-

“Learned counsel for the petitioner submits that in compliance of order dated 20.09.2024, the parties could not appear before the learned Illaq Magistrate/trial Court for getting their statements recorded in support of the compromise, due to some unavoidable circumstances. The report dated 19.10.2024 has been received from the concerned Jurisdictional Magistrate in this regard. Learned counsel for the petitioner seeks one more opportunity to comply with the order dated 20.09.2024.

In the interest of justice, parties are again 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 in the same terms as mentioned in the order dated 20.09.2024 subject to payment of cost of Rs. 5,000/- to be deposited in PGIMER Poor Patient Welfare Fund, Chandigarh, subject to last opportunity.



The receipt of payment of costs imposed must be presented before learned jurisdictional/Illaq Magistrate. The learned Court below is directed to record statements of the parties only upon verification of payment of said costs.

Report of learned Illaq Magistrate/trial Court be awaited for 21.11.2024.”

4. In compliance thereof the report of Judicial Magistrate 1st Class, Jalandhar has been received. A perusal of the said report indicates that the complainant-respondent No.2 has suffered a supplementary statement on 28.10.2024 that respondent No.2 along with petitioner appeared before the learned Family Court for waiver off of the 06 months period for grant of decree of divorce by way of mutual consent by the parties under Section 13-B of the Hindu Marriage Act, 1955. However, the petitioner refused to make balance payment of ₹ 4,35,000/- and respondent No.2 has withdrawn her consent for quashing of the FIR.

5. Learned counsel for the petitioner submits that the demand draft amounting to ₹ 4,35,000/- has already been prepared by the petitioner on 30.09.2024 and he will fully co-operate with respondent No.2 while appearing before the learned Family Court, making a fresh application seeking waiver off of the statutory period of 06 months and also pay the balance amount of ₹ 4,35,000/-.

6. Learned counsel for the respondent No.2 submits that in case petitioner undertakes to abide by the undertaking given before this Court, he does not object if the present FIR is quashed.

7. 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.24 dated 24.03.2024 under Section 498-A IPC, registered at Police Station Women Cell, Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioner. However, liberty is granted to private respondents to seek revival of the FIR as well as the present case in case the petitioner fails to abide by the undertaking given before this Court.

(HARPREET SINGH BRAR)
JUDGE

November 21, 2024
Nisha Yadav

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No