

CRM-M-47101-2024
Date of decision: 21.11.2024

...PETITIONERS

...RESPONDENTS

“Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR No. 36 dated 06.04.2024, registered under Sections 406 and 498-A and 120-B of Indian Penal Code at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur, Punjab (Annexure P-1) and all subsequent proceedings arising out of the same, on the basis of compromise dated 31.08.2024 (Annexure P-2).



Learned counsel for petitioners submit that petitioner No. 1 is special power of attorney holder of petitioner No. 2 and prayer has been made for getting the statement of petitioner No. 2, recorded through petitioner No. 1, being his special power of attorney holder as petitioner No. 2 is resident of Canada and it will not be possible for him to physically appear before the jurisdictional Court in order to depose in support of the compromise.

Prayer is allowed.

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 Ms. Gagan Bir Kaur Kahlon, Advocate for Mr. Vishal Munjal, 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. 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, the parties were again directed to appear before the jurisdictional/Illaq Magistrate within a period of two weeks. 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 (CrL) 1052*, this petition is allowed and FIR No.36 dated 06.04.2024, registered under Sections 406, 498-A and 120-B of Indian Penal Code at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, Punjab (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

November 21, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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