



**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48780-2024

Date of Decision: 28.10.2024

Rohit Wadhwa

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Asav Rajan, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

None for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.09 dated 09.03.2016 under Sections 406 & 498-A of IPC, registered at Police Station Women Cell, Bathinda (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of statements recorded between the petitioner and respondent No.2 in the petition under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-9).

2. The following order was passed on 27.09.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.009 dated 09.03.2016 under Sections 406 & 498-A of IPC, registered at Police Station Women Cell, Bathinda (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of statements recorded the petitioner and respondent No.2 in the petition under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-9).

Notice of motion for 28.10.2024.

At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to him during the course of day.

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.

Learned counsel for the petitioner undertakes to secure presence of respondent No.2 at the time of recording the statements before learned trial Court/Illaq Magistrate.

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.09 dated 09.03.2016 under Sections 406 & 498-A of IPC, registered at Police Station Women Cell, Bathinda (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

28.10.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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