

2024.PHHC.141678



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48715-2024

Date of Decision: 28.10.2024

Kashish

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner.

Mr. Rishab Singla, AAG, Punjab.

Mr. Rao Ajender Singh, Advocate for
Mr. Rahul Dhanda, Advocate 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.49 dated
03.04.2022 under Section 354 of IPC registered at Police Station Jodhewal,
Ludhiana Police Commissionerate (Annexure P-1) along with all subsequent
proceedings arising therefrom on the basis of compromise dated 09.09.2024
(Annexure P-2)

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.49
dated 03.04.2022 under Section 354 of IPC registered at Police
Station Jodhewal, Ludhiana Police Commissionerate (Annexure P-
1) along with all subsequent proceedings arising therefrom on the
basis of compromise dated 09.09.2024 (Annexure P-2).*

Notice of motion for 28.10.2024.

*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. Rahul Dhanda, 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.49 dated 03.04.2022 under Section 354 of IPC registered at Police Station Jodhewal, Ludhiana Police Commissionerate (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

28.10.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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