

CRM-M-49463-2024 (O&M)

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232 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49463-2024 (O&M)

Date of Decision: 06.11.2024

GURBIR SINGH AUJLA AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harpinder Singh Jalal, Advocate
for the petitioners.

Ms. Ramta Chowdhary, DAG Punjab.

Mr. C.S. Jattana, Advocate
for respondent No. 2.

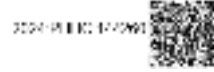
Harpreet Singh Brar J.(Oral)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.9 dated 17.12.2016 under Sections 312, 498-A, 406, 506 of IPC, registered at Police Station NRI Sangrur, District Sangrur (Annexure P1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2017 (Annexure P-2).

2. The following order was passed on 04.10.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.9 dated 17.12.2016 under Sections 312, 498-A, 406, 506 of IPC, registered at Police Station NRI Sangrur, District Sangrur (Annexure P1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2017 (Annexure P-2).

Learned counsel for the petitioners submits that the petitioners and respondent No.2 are currently residing in Canada and it is not possible for them to appear before learned trial Court/Illaq Magistrate to record their statements in terms



of the compromise. As such, a request is made to record their statements through their respective Power of Attorneys.

Notice of motion for 06.11.2024.

At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. C.S. Jattana, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

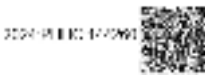
In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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.

As prayed for, learned trial Court/Illaqa Magistrate is directed to record the statements of the petitioners and respondent No.2 in terms of the compromise (Annexure P-2), through their respective Power of Attorneys.

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

3. Vide order dated 16.10.2024, petitioners were allowed to record their statements through video conferencing and respondent No. 2 is allowed to record her statement through her power of attorney, before the learned trial Court/Illaqa Magistrate.

4. 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.



5. 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.9 dated 17.12.2016 under Sections 312, 498-A, 406, 506 of IPC, registered at Police Station NRI Sangrur, District Sangrur (Annexure P1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

06.11.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No