

CRM-M-52582-2023
Date of decision: 25.04.2024

...PETITIONER

V/S

...RESPONDENTS

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Keshav Chadha, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 128 dated 12.11.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Lohian, District Jalandhar (Rural), Punjab and all the consequential proceedings arising therefrom on the basis of compromise dated 06.09.2023 (Annxure P-2) effected between the parties.

2. The following order was passed on 16.10.2023 :-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 128 dated 12.11.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Lohian, District Jalandhar (Rural), Punjab and all the consequential proceedings arising therefrom on the basis of compromise dated 06.09.2023 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise 06.09.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that the present FIR emanates from the matrimonial dispute between the parties. Learned counsel further submits that

the petitioner is the only accused in the present case and he is a party to the compromise, and has never been declared as proclaimed offender.

Notice of motion.

On the asking of Court, Mr. Shubham Kaushik, AAG, Punjab, accepts notice on behalf of respondent No. 1-State; whereas Mr. Kashav Chaddha, Advocate who is present in Court accepts notice on behalf of respondent No. 2-complainant and submits his Vakalatnama, which is taken on record.

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 06.09.2023 (Annexure P-2) on **06.11.2023** by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. **29.11.2023** containing the following information:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”

3. In compliance of the above 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. 128 dated 12.11.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Lohian, District Jalandhar (Rural), Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 25, 2024

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(HARPREET SINGH BRAR)
JUDGE

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