

CRM-M-55664-2022
Date of decision: 29.02.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Divya Godara, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0116 dated 11.07.2022 registered under Sections 323, 324, 506, 148, 149 of Indian Penal Code at Police Station Amloh, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexures P-2 and P-3).

2. The following order was passed on 10.01.2024 :-

“Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the FIR No. 0116 dated 11.07.2022 registered under Sections 323, 324, 506, 148, 149 of Indian Penal Code at Police Station Amloh District Fatehgarh Sahib along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner inter alia contends that respondent No. 2 is presently residing abroad and she has duly authorized her special power of attorney (her father) i.e. respondent No. 3-Baldev Singh, to appear before the trial Court/Illaq Magistrate and depose on her behalf, in terms of the compromise effected between the parties.

In view of the submission made by learned counsel for the petitioners, the parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of 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 its 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 i.e. 21.02.2024. Respondent No. 2 is permitted to get her statement recorded through her father-respondent No. 3.

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

3. In compliance of the above order, father (namely Baldev Singh) of complainant-Lovepreet Kaur was appointed special power of attorney and he has recorded his statement, on behalf of the complainant, in support of the compromise and 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. Learned counsel for the petitioners submits that statements, on second motion for dissolution of marriage under Section 13B of Hindu Marriage Act, by way of mutual consent have also been recorded today by the learned Additional Principal Judge, Family Court, Nabha, as such, the non-appearance of Ranjit Kaur (mother of the complainant) is of no consequence, when her husband-Baldev Singh has already appeared and recorded his statement in support of the compromise.

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.0116 dated 11.07.2022 registered under Sections 323, 324, 506, 148, 149 of Indian Penal Code at Police Station Amloh, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 29, 2024

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(HARPREET SINGH BRAR)
JUDGE

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