

CRM-M-50933-2024
Date of decision: 20.11.2024

HIRA SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harwinderjeet Singh Sandhu, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

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.164 dated
01.11.2018 under Section 498-A of IPC (now Section 85 of BNS) Section 494
of IPC added later on (now Section 82(1) of BNS) registered at Police Station
Kamboj, District Amritsar Rural (Annexure P-1) along with all subsequent
proceedings arising therefrom on the basis of compromise dated 27.09.2024
(Annexure P-2).

2. The following order was passed on 16.10.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.164 dated 01.11.2018 under Section 498-A of IPC (now Section 85 of BNS) Section 494 of IPC added later on (now Section 82(1) of BNS) registered at Police Station Kamboj, District Amritsar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2024 (Annexure P-2).

Notice of motion for 20.11.2024.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Ms. Lishika Mehta, Advocate accepts notice for respondent No.2 and files her vakalatnama 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.164 dated 01.11.2018 under Section 498-A of IPC (now Section 85 of BNS) Section 494 of IPC added later on (now Section 82(1) of BNS) registered at Police Station Kamboj, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

November 20, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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