

CRM-M-54141-2024
Date of decision: 28.11.2024

...PETITIONER

STATE OF UT CHANDIGARH AND ANOTHER

...RESPONDENTS

Present: Mr. Gursimar Singh, Advocate for
Mr. Neeraj Sansariwal, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P., UT Chandigarh
along with Mr. Roopse Sharma, Advocate and
Ms. Harmanpreet Kaur, Advocate.

Mr. Vipul Sachdeva, Advocate for respondent No.2.

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0062 dated
21.10.2023 under Sections 406/498-A of IPC registered at Police Station
Women, Chandigarh (Annexure P-1) along with all subsequent proceedings
arising therefrom on the basis of compromise dated 13.09.2024 (Annexure P-
2).

2. Power of attorney on behalf of respondent No.2 has been filed and the same is taken on record. Registry is directed to tag the same at appropriate place.

3. The following order was passed on 29.10.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0062 dated 21.10.2023 under Sections 406/498-A of IPC registered at Police Station Chandigarh (Annexure P-1) along with



all subsequent proceedings arising therefrom on the basis of compromise dated 13.09.2024 (Annexure P-2).

Notice of motion for 28.11.2024.

At this stage, on the asking of the Court, Ms. Roopse Sharma, Advocate for Mr. Anil Kumar Lamdharia, Addl.P.P., U.T. Chandigarh accepts notice on behalf of respondent No.1-U.T. Chandigarh and Mr. Vipul Sachdeva, Advocate accepts notice for respondent No.2 and files his memorandum of appearance which is taken on record. He is directed to file his power of attorney on or before the next date of hearing. 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.”

4. 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.

5. Learned counsel for respondent No.2 submits that part payment of the settlement amount of Rs.9 lakhs is still pending and respondent No.2 has received only Rs.4.5 lakhs.

6. 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.0062 dated 21.10.2023 under Sections 406/498-A of IPC registered at Police Station Women, Chandigarh (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

7. However, liberty is granted to respondent No.2 to revive the FIR (supra), by filing the appropriate application, in case the petitioner fails to abide by the terms and conditions of the settlement agreement or makes any default in making payment of remaining amount.

November 28, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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