



237-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52915-2024
Date of decision: 25.11.2024

VIPUL MEHTA AND ANOTHER
V/S
STATE OF PUNJAB AND OTHERS

...PETITIONERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Siddarth Sihag, Advocate for the petitioners.
Mr. Nitesh Sharma, DAG, Punjab.
Mr. Utkarsh Sheoran, Advocate for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of Criminal Complaint bearing No. COMI/10/2016 dated 26.02.2016 (Annexure P-1), titled as "Tara Chand Uppal vs. Vipul Mehta & Ors." (which was subsequently committed to the Ld. Sessions Court and registered as case bearing No. SC/85/2022), as well as impugned summoning Orders dated 13.04.2018 (Annexure P-2) and 21.03.2023 (Annexure P-3) passed by Ld. SDJM, Sultanpur Lodhi, whereby, the petitioners have been summoned to face trial for offences punishable u/s 406, 498A, 313, 506 & 120B IPC, along with all the consequent proceedings emanating therefrom, on the basis of compromise dated 09.10.2024 (Annexure P-5).

2. The following order was passed on 24.10.2024 :-

"Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of Criminal Complaint bearing No. COMI/10/2016 dated 26.02.2016 (Annexure P-1), titled as "Tara Chand Uppal vs. Vipul Mehta & Ors." (which was subsequently committed to the Ld. Sessions Court



and registered as case bearing No. SC/85/2022), as well as impugned summoning Orders dated 13.04.2018 (Annexure P-2) and 21.03.2023 (Annexure P-3) passed by Ld. SDJM, Sultanpur Lodhi, whereby, the petitioners have been summoned to face trial for offences punishable u/s 406, 498A, 313, 506 & 120B IPC, along with all the consequent proceedings emanating therefrom, on the basis of compromise dated 09.10.2024 (Annexure P-5).

Learned counsel for the petitioners, inter alia, submits that the present criminal complaint has been filed by the father-in-law of the petitioner No. 1 and father of respondent No.3. The petitioner No.1 is the husband whereas petitioner No.2 is the father-in-law of respondent No.3. It is submitted that the marriage of the petitioner No.1 with the respondent No.3 was solemnized on 01.10.2006. One son was born out of the said wedlock on 25.04.2010, who is in the care and custody of the complainant/respondent No.2. It is submitted that the allegations made in the present criminal complaint are false and fabricated. On similar allegations, an FIR No.38 dated 11.04.2015 under Sections 406, 498-A, 313 and 506 IPC at Police Station Sultanpur, District Kapurthala was registered by the complainant. Now better sense has prevailed between the parties and in order to live peacefully, Compromise dated 09.10.2024 (Annexure P-5) has been entered into between the parties, as per which all the pending litigations including the present criminal complaint will be withdrawn. On the basis of the said compromise, quashing petition bearing CRM-M-52635-2024 has been filed for quashing of the above said FIR in which parties have been directed to record their statements on 28.10.2024. The present criminal complainant has been filed against 3 accused, however the mother-in-law of respondent No.3 has expired in the year 2022. The remaining 2 accused are before this Court as petitioners herein. The petitioners have never been declared as proclaimed offenders.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, A.A.G., Punjab accepts notice on behalf of respondent No.1-State; whereas Mr. Utkarsh Sheoran, Advocate, who is present in Court accepts notice on behalf of respondents No. 2 and 3 and submits Power of Attorney, which is taken on record.



Learned counsel for respondent No.1-State as well as learned counsel for respondents No.2 and 3 have not disputed the aforesaid submissions made by learned counsel for the petitioners and the factum of compromise effected between the parties.

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements as per Compromise dated 09.10.2024 (Annexure P-5) on **28.10.2024** or any other date convenient to the learned trial Court/Illaq Magistrate or 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. 25.11.2024 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.

To be heard alongwith CRM-M-52635-2024.”

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 Criminal Complaint bearing No. COMI/10/2016 dated 26.02.2016 (Annexure P-1), titled as “Tara Chand Uppal vs. Vipul Mehta & Ors.” (which was subsequently committed to the Ld. Sessions Court and registered as case bearing No. SC/85/2022), as well as impugned summoning Orders dated 13.04.2018 (Annexure P-2) and 21.03.2023 (Annexure P-3) passed by Ld. SDJM, Sultanpur Lodhi, whereby, the petitioners have been summoned to face trial for offences punishable u/s 406, 498A, 313, 506 & 120B IPC and all consequential proceedings arising out of the same are quashed, qua the petitioners.

November 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 |