

CRM-M-53215-2024
Date of decision: 25.11.2024

...PETITIONERS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. Vinod Pundir, Advocate for the petitioners.
Mr. Nitesh Sharma, DAG, Punjab.
Ms. Jyotika Behl, 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.0019 dated 09.02.2021 under Sections 323/498-A/34 of IPC registered at Police Station Nurpurbedi, District Rupnagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 24.09.2024 (Annexure P-2).

2. The following order was passed on 24.10.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0019 dated 09.02.2021 under Sections 323/498-A/34 of IPC registered at Police Station Nurpurbedi, District Rupnagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 24.09.2024 (Annexure P-2).

Notice of motion for 25.11.2024.

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. Jyotika Behl, 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/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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/Illaqa 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. However, perusal of the report indicates that petitioner No.2, who is elder brother of husband of respondent No.2, has not appeared before the jurisdictional Court to depose in support of the compromise effected between the parties.

4. Learned counsel for the petitioners submits that petitioner No.2 could not appear due to the reason that he is employed in Indian Army.

5. Learned counsel for respondent No.2 submits that statement of all the accused persons/petitioners is not necessary for the compromise and only the consent of the complainant is required in view of the provisions contained in Section 320 Cr.P.C. Learned counsel further submits that it is immaterial that one of the accused has not appeared for recording his statement in terms of the compromise and respondent No.2 has no objection, in case, FIR (supra) against all the petitioners/accused persons is quashed in view of the



compromise and statement made by complainant/respondent No.2 before the jurisdictional Court in compliance of the aforesaid order passed by this Court.

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.0019 dated 09.02.2021 under Sections 323/498-A/34 of IPC registered at Police Station Nurpurbedi, District Rupnagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

November 25, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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