



243

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55255-2024 (O&M)
Date of decision: 11.12.2024

Gaurav Kumar Pathak and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Navkesh Singh Goraya, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Gulzar Mohd., Advocate for
Mr. Rahul Rana, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.16 dated 05.04.2019 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station NRI, Ludhiana (Annexure P-1) along with

2024:PHHC:165311



all subsequent proceedings arising therefrom on the basis of compromise dated 11.09.2024 (Annexure P-2).

2. The following order was passed on 07.11.2024: -

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.16 dated 05.04.2019 under Sections 406/498-A of IPC registered at Police Station NRI, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 11.09.2024 (Annexure P-2).

Notice of motion for 11.12.2024.

At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Rahul Rana, Advocate accepts notice for respondent No.2 and files his memorandum of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel appearing for respondent No.2 is directed to file his power of attorney on or before the next date of hearing.

Learned counsel for both the parties submits that the petitioners as well as respondent No.2 are currently residing abroad and they are not in a position to present physically before the learned trial Court/Illaq Magistrate to record their statements regarding compromise. Therefore, a request for recording statements of petitioners as well as respondent No.2 through SPA is made.

In view of the above, the prayer made by counsel for

2024:PHHC:165311



both the parties is allowed. Petitioners as well as respondent No.2 are allowed to record their statements through SPA before the learned jurisdictional Magistrate.

Service is complete.

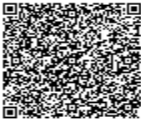
In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial 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

2024:PHHC:165311



this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.16 dated 05.04.2019 under Sections 406 & 498-A of IPC, registered at Police Station NRI, Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

11.12.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No