

CRM-M-53314-2024
Date of decision: 26.11.2024

...PETITIONER

...RESPONDENTS

“This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.95 dated 01.11.2023 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station Women,



District SAS Nagar (Mohali) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/settlement between the parties as contained in the petition under Section 13-B of Hindu Marriage Act, 1955 dated 08.01.2024 (Annexure P-3). The first petition i.e. CRM-M-16395-2024 was dismissed as withdrawn with liberty to file a fresh petition seeking quashing of FIR (supra) on the basis of compromise, if any genuine compromise is effected between the parties.

Notice of motion for 26.11.2024.

At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Sukhdeep Singh, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during course of the day.

Service is complete.

In the meanwhile, the parties are directed to appear before learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to learned 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 this 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.95 dated 01.11.2023 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station Women, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

November 26, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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