

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57176-2023 (O&M)
Date of decision: 29.04.2024

SHUBEGH SHAHBAAZ SINGH MANN AND OTHERS
...PETITIONERS
V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Athwal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Harjinder Singh, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 60 dated 05.11.2020 registered under Sections 406/498-A/420 of Indian Penal Code at Police Station Women Cell, Police Commissionerate Jalandhar, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 06.03.2023/07.03.2023 (Annexure P-2).

2. The following order was passed on 15.01.2024:

“CRM-50653-2023

This is an application for impleading Pavneet Kahlon daughter of Balwinder Iqbal Singh Kahlon, as a party respondent No.3 to the main petition.

For the reasons mentioned the application, the same is allowed. Pavneet Kahlon daughter of Balwinder Iqbal Singh Khalon, resident of House No.392, Guru Teg Bahadur Nagar, Jalandhar is impleaded as respondent No.3 to the main petition. The amended memo of parties is taken on record.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.60 dated 05.11.2020 under Sections 406/498-A IPC of the Indian Penal Code, 1860 registered at Women Cell, Police Commissionerate Jalandhar, District Jalandhar, and all other consequential proceedings arising there-from, on the ground that the parties have since compromised the matter vide compromise deed dated 06.03.2023/07.03.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and have entered into a written compromise dated 06.03.2023/07.03.2023 (Annexure P-2).

Notice of motion.

On the asking of the Court, Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr.Harjinder Singh, Advocate accepts notice for respondent Nos.2 and 3. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 & 3 states that respondent No.2 & 3 would have no objection if the aforesaid FIR is quashed on the basis of the compromise.

List on 29.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 15.02.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. Statements of petitioners and respondent Nos.2 & 3 shall be recorded through video conferencing as per Video Conferencing Rules (for Courts), 2021. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the settlement/compromise dated 06.03.2023/ 07.03.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.”*

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. 60 dated 05.11.2020 registered under Sections 406/498-A/420 of Indian Penal Code at Police Station Women Cell, Police Commissionerate Jalandhar, District Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 29, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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