



CRM-M-57126-2024 (O&M)

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241 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57126-2024 (O&M)

Date of Decision: 16.12.2024

DUSHYANT GUPTA AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.P. Garg, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sukesh Kumar Jindal, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J.(ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.312 dated 24.12.2021 under Sections 498-A, 406, 323, 34, 506 of the Indian Penal Code, 1860, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.11.2024 (Annexure P-2).

2. The following order was passed on 18.11.2024:

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.312 dated 24.12.2021 under Sections 498-A, 406, 323, 34, 506 of the Indian Penal Code, 1860, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.11.2024 (Annexure P-2).



Notice of motion.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Sukesh K. Jindal, 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.

Adjourned to 16.12.2024.

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. Learned counsel for respondent No. 2 submits that part performance of the settlement is yet to be done by petitioners and statements of private parties are yet to be recorded at the stage of second motion as a joint petition under Section 13-B of Hindu Marriage Act has

been filed seeking dissolution of marriage by way of mutual consent and further the part payment of the settled amount is yet to paid by the petitioners.

5. 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.312 dated 24.12.2021 under Sections 498-A, 406, 323, 34, 506 of the Indian Penal Code, 1860, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

6. However, liberty is granted to respondent No. 2 to file appropriate application seeking revival of the FIR(supra), in case, the petitioners’ side fail to abide by all the terms and conditions of the settlement/compromise dated 08.11.2024 (Annexure P-2).

(HARPREET SINGH BRAR)
JUDGE

16.12.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No