

CRM-M-62217-2023
Date of decision: 23.02.2024

MANMOHAN SINGH ALIAS MONU AND OTHERS
...PETITIONERS
V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0063 dated 30.09.2023 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 16.11.2023 (Annexure P-2).

2. The following order was passed on 11.12.2023 :-

“This petition has been filed for quashing of FIR No.63, dated 30.09.2023 registered under Sections 498-A and 406 of IPC at Police Station Women, District Bathinda (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 16.11.2023(Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.

Ms. Himani Arora, A.A.G, Punjab accepts notice on behalf of respondent No.1-State and Mr. Veeraj Sharma, Advocate accepts notice on behalf of respondent No.2 and has filed his

vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 23.01.2024 or any other future date as per its convenience for getting their statements recorded with regard to the compromise. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case:*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 23.02.2024.”

3. In view of the resolution passed by Bar Association of Punjab and Haryana High Court, there is no representation on behalf of the parties but report has been received from the concerned jurisdictional Court and perusal of the same indicates 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.63 dated 30.09.2023 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women, District Bathinda (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

February 23, 2024
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(HARPREET SINGH BRAR)
JUDGE

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