



255

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57780-2024
Date of decision: 16.12.2024

KIRPAL SINGH AND OTHERS

V/S

STATE OF PUNJAB AND ANOTHER

...PETITIONERS

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manmeet Singh Rana, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. R.S. Warraich, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita seeking quashing of the FIR No.43 dated
15.05.2021, registered under Sections 406 and 498-A of Indian Penal Code at
Police Station Behram, District SBS Nagar (Annexure P-1) and all subsequent
proceedings arising out of the same, on the basis of compromise dated
31.10.2024 (Annexure P-2).
2. The following order was passed on 21.11.2024 :-
*“Instant petition has been filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR
No. 43 dated 15.05.2021, registered under Sections 406 and 498-A
of Indian Penal Code at Police Station Behram, District SBS
Nagar and all subsequent proceedings arising out of the same, on
the basis of compromise dated 31.10.2024 (Annexure P-2).
Notice of motion returnable for 16.12.2024.
Mr. Sandeep Kumar, DAG Punjab, who is present in the
Court, accepts notice on behalf of respondent No. 1-State and Mr.
Randeep Singh Warrich, Advocate has put in appearance on behalf
of respondent No. 2 and filed power of attorney. Same is taken on
record. Learned counsel for respondent No. 2 admits the factum of
compromise.*



Service is complete.

Learned counsel for the petitioners submits that petitioner No. 3 is residing abroad, therefore, he prays that his statement be got recorded through his special power of attorney holder i.e. petitioner No. 1-Kirpal Singh.

Prayer is allowed.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 16.12.2024. Statement of petitioner No. 3-Jagtar Banger be got recorded through his special power of attorney holder i.e. petitioner No. 1-Kirpal Singh.

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. A perusal of the report indicates that P.O. proceedings are pending against petitioner No.3. Learned counsel for the petitioners submits that PO proceedings have been initiated against petitioner No.3, however, till date, he has not been declared as proclaimed offender.

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. 43 dated 15.05.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station Behram, District SBS Nagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

December 16, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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