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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59024-2024

Date of Decision: 17.12.2024

Mayank Mahajan and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Sharma, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. S.K. Sandhir, Advocate
for respondent No.2-complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.131 dated 15.09.2021 under Sections 406/498-A of IPC registered at Police Station Division No.1, District Pathankot (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.10.2024 (Annexure P-2).

2. The following order was passed on 27.11.2024:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.131 dated 15.09.2021 under Sections 406/498-A of IPC registered at Police Station Division No.1, District Pathankot (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.10.2024 (Annexure P-2).

Notice of motion for 17.12.2024.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. V.K. Sandhir, Advocate accepts notice for respondent No.2

and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the 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 the 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 petitioner No.2 could not appear to record her statement in terms of the compromise as she has undergone a surgery for joint hip replacement. The complainant-respondent No.2 had appeared and she stated that compromise is in the interest of both the parties and the future harmony and peace. It is settled law for quashing of the FIR on the basis of compromise that only the consent of the complainant is necessary. So, in the present case also, there cannot be any embargo in quashing of the FIR (supra) even if accused No.2 i.e. Saroj Mahajan could not appear due to her hip replacement surgery.

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.131 dated 15.09.2021 under Sections 406/498-A of IPC registered at Police Station Division No.1, District Pathankot (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

17.12.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No