



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-63925-2023

Date of decision:29.10.2024

ROOP LAL MITTAL

..PETITIONER(S)

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.K. Dogra, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Ankush Sharma, Advocate for respondent No.2.

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.43 dated 22.06.2023, registered at Police Station Women District Bathinda, Under Sections 498-A, 406 and 323 IPC and all subsequent proceedings arising therefrom in view of the compromise dated 11.10.2023 (Annexure P-2).

2. The following order was passed on 19.12.2023:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 43 dated 22.06.2023, registered at Police Station Women District Bathinda, under Sections 498-A, 406 and 323 IPC, on the basis of compromise dated 11.10.2023 (Annexure P-2) between the parties.



Inter alia contends that the matter has been finally settled as per the settlement agreement dated 11.10.2023 (Annexure P-2) arrived at in the Mediation and Conciliation Centre of this Court. Both the parties have filed a divorce petition by way of mutual consent under Section 13 (B) of the Hindu Marriage Act, 1955 (Annexure P-3) and the statements of the parties in the first motion have already been recorded (Annexures P-4 and P-5).

Notice of motion.

On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, accepts notice on behalf of respondent No. 1-State.

Mr. Ankush Sharma, Advocate, accepts notice on behalf of respondent No. 2 and has filed his power of attorney in Court today, which is taken on record and he confirms about factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 04.03.2024.

Both the parties shall assist the Court, as to whether, the petition for quashing of the FIR is maintainable.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate up-to 03.01.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?



III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent”.

3. In compliance of the above 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.43 dated 22.06.2023, registered at Police Station Women District Bathinda, Under Sections 498-A, 406 and 323 IPC and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

29.10.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No