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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59146-2024

Date of Decision: 17.12.2024

Akash Yadav and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bajwa, Advocate for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Kanwaljet Singh, Advocate for respondent Nos.2 and 3.

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.16 dated 20.01.2021 under Sections 363/366-A of IPC (Section 120-B of IPC added later on) registered at Police Station Tibba, District Police Commissionerate Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.11.2024 (Annexure P-2).

2. The following order was passed on 27.11.2024:-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.16 dated 20.01.2021 under Sections 363/366-A of IPC (Section 120-B of IPC added later on) registered at Police Station Tibba, District Police Commissionerate Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.11.2024 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that the dispute between the parties has been compromised and petitioner No.1 and respondent No.3 are now married. He further relies upon the judgment of a Full Bench of Delhi High Court in ‘Court on its Own Motion(Lajja Devi) versus State’ 2012(4) CCR 72.

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. Kanwaljeet Singh, Advocate accepts notice for respondents No.2 & 3 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.

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.16 dated 20.01.2021 under Sections 363/366-A of IPC (Section 120-B of IPC added later on) registered at Police Station Tibba, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.**

(HARPREET SINGH BRAR)
JUDGE

17.12.2024
Parveen kumar

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