



110+254 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59707-2024 (O&M)
Date of Decision: 17.12.2024

Amninder Singh Dhaliwal and another ...Petitioners

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abdul Aziz, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Rupender Rana, Advocate
for respondent No.2-complainant.

HARPREET SINGH BRAR, J. (ORAL)

CRM-49854-2024

This is an application under Section 528 of BNSS, 2023 for correction of Section 420 of IPC in the head note as well as in the prayer clause of the petition, instead of Section 406 of IPC.

Learned counsel for the applicant-petitioners submits that inadvertently Section 406 of IPC has been mentioned instead of Section 420 of IPC in the main petition. It is further submitted that petitioners came to know about this mistake when they appeared before the learned trial Court for recording of their statements in terms of the compromise.

In view of the above mentioned reasons, the present application is allowed. Accordingly, ***Section 420 of IPC*** be read in the head note as well as prayer clause of the petition, instead of Section 406 IPC.

Office to do the needful.

CRM-M-59707-2024

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (wrongly mentioned as Cr.P.C.) seeking quashing of FIR No.93 dated 23.11.2023 under Sections 498-A, 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Ajitwal, District Moga (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2024 (Annexure P-2).

2. The following order was passed on 28.11.2024:-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (wrongly mentioned as Cr.P.C.) seeking quashing of FIR No.93 dated 23.11.2023 under Sections 498-A, 406 & 120-B of the Indian Penal Code, 1860, registered at Police Station Ajitwal, District Moga (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2024 (Annexure P-2).

Learned counsel for the petitioners submits that the petitioners are currently residing in USA, therefore, their statements in terms of the compromise (Annexure P-2) may be ordered to be recorded through their Power of Attorney.

Notice of motion.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Rupender Singh Rana, Advocate accepts notice for respondent No.2 and files Power of Attorney, which is taken on record. Copy of the paper book be supplied to them during course of the day.

Service is complete.

Adjourned to 17.12.2024.

In the meanwhile, the parties are directed to appear before learned1 of trial Court/Illaq Magistrate within two weeks from today or any other date convenient to learned 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. As prayed for, learned trial Court/Illaq Magistrate is directed to record statements of the

petitioners, in terms of compromise (Annexure P-2) through their Power of Attorney Satwinder 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.

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.93 dated 23.11.2023 under Sections 498-A, 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Ajitwal, District Moga (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